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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 7th August, 2015:—

BILL NO. XX OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and com-
mencement.

2. In article 341 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

Amendment
of article
341.

“(1) The President may, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to the whole of the territory of India”.

3. In article 342 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

Amendment
of article
342.

“(1) The President may, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to the whole of the territory of India”.

STATEMENT OF OBJECTS AND REASONS

The persons belonging to Scheduled Castes or Scheduled Tribes are still under privileged and are a neglected lot. There have been constant efforts to provide concessions and facilities to these persons by successive Governments. But still much is required to be done for improving their condition and for bringing them into the mainstream of the society.

At present, the persons belonging to Scheduled Castes or Scheduled Tribes are facing some practical and genuine difficulties which need immediate solution. In every State, caste certificates are issued by the district authority. These certificates are recognised for the purpose of extending reservation benefits by the State Government concerned throughout the State. The Union Government also recognizes the certificates issued by the State Government for the purpose of jobs or appointments in services under the Union Government. However, if a person belonging to a Scheduled Caste or Scheduled Tribe moves out of the State, he originally belongs, the Caste certificate issued by the parent State is not recognised for the purposes of giving benefits of reservation settles down permanently in another State, when he though the same caste or tribe has been included in the list of Scheduled Castes or Scheduled Tribes in that State.

Due to lack of employment opportunities, people migrate to other States in search of employment and settle down there permanently. However, they become ineligible to enjoy the benefits of reservation in the State they have settled down for the reason that they have been issued certificates by the State from where they have migrated.

It is, therefore, necessary to amend the Constitution with a view to make provision that a member of Scheduled Caste or Scheduled Tribe in one State shall be treated as Scheduled Caste or Scheduled Tribe for the purpose of availing benefits of reservation in whole of India.

Hence this Bill.

VEER SINGH

II

BILL NO. XXVI OF 2015

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the 'The Constitution (Amendment) Act, 2015'.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. For article 130 of the Constitution, the following shall be substituted, namely,—

Amendment
of article 130.

"130. The Supreme Court shall sit in Delhi and Kolkata or in such other place or places, as the Chief Justice of India, may, with the approval of the President, from time to time, appoint."

STATEMENT OF OBJECTS AND REASONS

The appellants are already burdened and are further shunned to face the ordeal of having to travel thousands of kilometres to the seat of the Supreme Court in Delhi for their trial and the consequent follow up of their cases.

Moreover, the number of pending court cases in the country has crossed three crore mark. Figures on the chronic backlog of court cases are an indictment of the country's beleaguered legal system. The plight of persons awaiting trial needs to be understood and addressed. It is not just the wastage of time, but also an increased financial burden that makes the process inconvenient, cumbersome and expensive.

Article 130 of the Constitution of India envisages that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may with the approval of the President from time to time appoint. The language of the article clearly indicates that there was an intention of the founding fathers of the Constitution to have more than one seat of the Supreme Court.

Hence, the Bill seeks to establish a permanent bench of the Supreme Court in Kolkata in West Bengal bench Delhi. Calcutta High Court is the oldest and geographically, Kolkata is a strategic location for a permanent bench as it is easily accessible for litigants of central, eastern, south-eastern and especially north-eastern states. This will provide for a robust mechanism to not only manage pendency of court cases but simultaneously makes the justice opportune, public-friendly and efficient.

Hence, this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 2 of this Bill amends article 130 of the Constitution to establish a permanent bench of the Supreme Court in Kolkata, West Bengal.

The Bill, therefore, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees ten crore per annum.

However, a non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

III

BILL NO. XXXI OF 2015

A Bill to provide for consumers the right to free return of consumer goods, within a stipulated time and for all matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called ‘the Consumer Goods (Right to Free Return) Act, 2015’;

(2) It extends to the whole of India;

(3) It shall come into force on such date, as the appropriate Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for coming into force of different provisions of this Act;

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a state, the Government of that State, and in other cases, the Central Government;

(b) "consumer" means any person who buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any

system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose;

(c) “consumer goods” means products that are purchased for consumption by an average consumer;

(d) “durable goods” means goods which are consumed and used or disposed after serving its usefulness for a period of time, which is more than two years, like refrigerator, laptops, television sets etc.;

68 of 1986.

(e) “manufacturer” would have the same meaning as given in section 2(j) of the Consumer Protection Act, 1986;

(f) “retailer” or “retail supplier” means any person who does the sale of goods from individuals or business to the end-user or final consumer and also includes online retail shops;

(g) “semi durable goods” means those products which are neither perishing nor lasting, like clothes, preserved foods, furniture etc.

CHAPTER II

PROCURING RECEIPT AND EXCHANGE OF CONTRACT

3.(1) the appropriate Government shall make it mandatory for all retailers to give a receipt for every durable and semi durable consumer goods purchased by the consumers and such receipt of purchase shall act as contract between the retail supplier and the consumer, wherein the production of this receipt shall be a pre-requisite for every claim made under the provisions of this Act.

Receipt to act as a guarantee contract.

(2) Every receipt given to the consumer shall have consumer guarantees specified on it as under:—

(a) that goods are of acceptable quality;

(b) that goods will be reasonably fit for use;

(c) that the description of goods is accurate and it would match any sample or demonstration model;

(d) that the goods will satisfy any extra promises made about them;

(e) that there is a ‘right to free return’ of the goods within fifteen days of its purchase.

CHAPTER III

THE RIGHT TO FREE RETURN

4. Every consumer shall have the right to return free any, semi durable or durable goods purchased, within fifteen days of the purchase in such manner as may be prescribed:

Right to free return valid till fifteen days from purchase.

Provided that every such return of goods shall be done in their original condition, with no alteration to its size or shape, along with its original packing and the receipt of the purchase.

5. The Appropriate Government shall ensure that all retail shops shall,—

(a) remove all signs that say ‘no refund’ or ‘no replacement’ from product covers and the retail shops; and

(b) display a board mentioning the right of consumers for free return of goods purchased by them.

Removal of no replacement and no refund signs and display of right of consumers.

No payable payment for receiving guarantee.

6. A receipt of the purchase of goods shall be considered as guarantee itself and the retail supplier shall not ask for any further payment from the consumer for receiving any guarantees.

Right of retailer to make claim against defective goods.

7. If a consumer returns the defective goods to the retailer, the retailer shall have the right to claim them against the wholesaler or the manufacturer, from whom he received the goods.

CHAPTER IV

GRIEVANCE REDRESSAL MECHANISM

Right of Consumers to move to court.

8. A consumer may in case of any grievance under this Act move the 'Consumer Disputes Redressal Forum' or the 'State Consumer Protection Council' or the 'Central Consumer Protection Council' established under the Consumer Protection Act, 1986 for redressal.

68 of 1986.

Law enforcing agency.

9. The Central Consumer Protection Council established under CPA 1986 and the agencies appointed by it shall be responsible for the enforcement of the provisions and rules made under this Act.

Details disclosed online for transparency.

10. The Central Consumer Protection Council shall publish on its website this Act and rules made thereunder and also the details of complaints received by the authorities in District, State and Central level, on different products, under the purview of this Act, including details of:—

- (a) the products returned;
- (b) the refund sought;
- (c) tracking the progress of each complaint with time line for completion; and
- (d) the complaint resolved.

Appropriate Government to provide funds.

11. The appropriate Government will from time to time, provide, after due appropriation made by the Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Power to remove difficulty.

12. If any difficulty arises in giving effect to the provisions of this Act, the appropriate Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty.

Power to make rules.

13. The appropriate Government, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The Consumer Protection Act, 1986 is widely considered to be a benevolent social legislation that provides for the protection of consumer rights. The Act was amended a number of times, the last being in 2002. The Principal Act, introduced in 1986 and subsequently amended, established consumer dispute resolution mechanisms and provides to control the trade of spurious goods and services through the authorities established. It does not confer on the consumer a positive right which he can enforce himself. In the context of increasing influx of imported goods to the country and the new trend of online shopping, it is necessary that the consumers are empowered to refuse a goods that does not satisfy the needs, without approaching forums or courts.

The Bill makes it the right of a consumer to return any purchased product within a stipulated time for genuine reasons. It seeks to provide the consumer a right to return any purchased durable or semi-durable goods within fifteen days of purchase. It also provides that there should be a centralized database on complaints received and resolved by consumer protection councils and forums on goods purchased, so that before buying any product the consumer can make an informed choice to any terms agreed by both parties, retail supplier and consumer. The Bill seeks to provide additional statutory provisions for the benefit of the consumer.

The enforcement of the Act would be the responsibility of the authorities established under the Consumer Protection Act, 1986. This will ensure that there is no burden on the Central or State Governments for establishing additional authorities for monitoring and carrying out the purposes of this Act.

Hence this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 11 of the Bill makes it obligatory for the appropriate Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted will involve direct or indirect expenditure from the Consolidated Fund of India. At this stage, it is difficult to quantify the expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of this Bill gives power to the appropriate Government to make necessary rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

IV

BILL NO. XXXVII OF 2015

A Bill to provide for mechanism through which a person unable to pay off debts can declare bankruptcy and subject himself to rehabilitation and for matters connected therewith and incidental thereto.

CHAPTER I

PRELIMINARY

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Personal Bankruptcy (Declaration and Rehabilitation) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the appropriate Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for coming into force of different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State, and in other cases, the Central Government;

(b) “bankruptcy” means the legal status of an individual citizen who is unable to pay his creditors;

(c) “creditor” means an individual, a bank, a non-banking financial intermediary or any such registered or non-registered institution that does the banking function of accepting deposits and lending money, to which a person owes money;

(d) “debt” means an amount owed to a creditor for funds borrowed;

(e) “debtor” means an individual citizen who owes money to a creditor;

(f) “defaulter” means any debtor who do not repay the debt despite adequate liquidity;

(g) “prescribed” means prescribed by the rules made under this Act;

(h) “secured creditor” means any creditor who has the legal right to take a specific property of the debtor and sell it in case of default in payment;

(i) “tribunal” means the special Bankruptcy Tribunal established under section 3 of this Act;

(j) “trustee” means an officer attached to a tribunal under section 5 of this Act.

CHAPTER II

ESTABLISHMENT OF TRIBUNAL

Composition of the Tribunal.

3. (1) The appropriate Governments shall, by notification in the Official Gazette, establish a Special Bankruptcy Tribunal with effect from such date as may be prescribed, attached to every district court for exercising the jurisdiction, power and authority conferred on such tribunals under this Act (2), the tribunal shall consist of:

(a) a Chairperson, appointed by the appropriate Government, who has served as Judge of the H.C. for a period not less than five years; and

(b) not less than three judicial members, appointed by the appropriate Government, who have served as judicial officers for at least five years in Civil Court or District Court of any State.

Term Salaries and Allowances of Members.

4. (1) The Chairperson and the judicial members of the tribunal shall hold office for a term of five years and shall be eligible for re-appointment only once.

(2) The salaries and allowances payable to the Chairperson and the judicial members shall be such as may be prescribed by the appropriate Government.

Trustee to reduce property to cash and distribute among creditors.

5. Every tribunal shall have one trustee who shall take charge of the property of the debtor who has applied to be declared as bankrupt, attached to the tribunal and who shall reduce every property of the debtor to cash, except the properties listed as “exempt properties” in Section 14 of this Act, and distribute it to creditors within three months of such application.

Appointment of other officers to the tribunal.

6. The appropriate Governments shall provide such number of officers and staff to assist the tribunal in such manner as may be prescribed.

Appropriate Government to make rules.

7. The appropriate Governments may, in consultation with the Chairpersons of the tribunal, make rules regulating the practices and procedures of the tribunal.

CHAPTER III

DECLARING BANKRUPTCY

8. A debtor under the purview of this Act, can not file for bankruptcy if,—

Declaration
of
bankruptcy
by a debtor.

(i) he transfers his property or any part thereof with the intent to defeat or delay his creditors;

(ii) he transfers his property, or any part thereof, which would be void as a fraudulent preference, under this Act or any other enactment for the time being in force, if he were to be adjudged an insolvent;

(iii) he intends to defeat or delay his creditors by departing or remaining out of the territories to which the respective Act extends or departs from his dwelling house or usual place of business or otherwise absent himself or if the debtor secludes himself so as to deprive his creditors of the means of communicating with him;

(iv) he gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts; or

(v) he is sentenced to imprisonment by any court;

9. A debtor shall be entitled to file a bankruptcy petition if,—

Entitlement
for filing
bankruptcy.

(i) he is a non-wilful defaulter;

(ii) his debts amount to rupees 10,000 or more; or

(iii) he is under arrest or imprisonment for payment of money; or

(iv) an order of attachment has been made against his property.

10. A debtor, entitled to file a bankruptcy petition, shall do so before the Special Bankruptcy Tribunal of the district where he resides.

Petition to be
filed in
appropriate
jurisdiction.

11. Each bankruptcy petition shall be in writing, duly signed and verified in the manner as may be prescribed and each petition shall contain:

Contents of
the petition.

(i) a statement that the debtor is unable to pay his debts;

(ii) the place where he ordinarily resides or carries on business or personally works, or, if he has been arrested or imprisoned, the place where he is in custody;

(iii) the Court order under which he has been arrested or imprisoned, or an order which has been made for the attachment of his property;

(iv) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors;

(v) the amount and particulars of his property, a specification of the value of all such property not consisting of money, the place or places at which any such property is located ; and

(vi) a statement whether the debtor has on any previous occasion filed a petition to be adjudged an insolvent and in that case—

(a) if such petition has been dismissed, the reasons for such dismissal, or

(b) if the debtor has been adjudged an insolvent, concise particulars of the insolvency, including a statement whether any previous adjudication has been annulled and, if so, the grounds therefore.

12. (1) A creditor shall file a bankruptcy petition against his debtor, only if he is of the opinion that the debtor is a wilful defaulter;

Creditor to
file
bankruptcy
petition.

(2) Every bankruptcy petition presented by a creditor or creditors shall set forth the full particulars of the debtor and shall also specify,—

(i) the act of insolvency committed by such debtor, together with the date of its commission;

(ii) the amount and particulars of his or their pecuniary claim or claims against such debtor.

However, provided no bankruptcy petition shall be filed against corporations, joint ventures, companies or partnerships under this Act;

(3) The procedure laid down in the Code of Civil Procedure, 1908 with respect to the admission of complaints, shall so far as it is applicable, be followed in the case of bankruptcy petitions;

5 of 1908.

(4) No petition, whether presented by a debtor or a creditor, shall be withdrawn without the leave of the court.

CHAPTER IV

PROCEDURE AT THE TRIBUNAL

Procedure for
adjudging
bankruptcy of
debtor.

13. (1) Subject to the conditions specified in this Act, once a creditor or debtor files a petition of bankruptcy after following the procedures laid down in this Act, the tribunal may issue an order adjudging bankruptcy of the debtor.

(2) The tribunal shall fix a date for hearing of the petition after receiving a bankruptcy petition, such that the notice of such an order, fixing the date of hearing shall be served to the debtor as well as the creditors;

(3) On the day fixed for the hearing of the petition or on any other day to which the hearing is postponed, the debtor or creditor shall prove before the tribunal that he is entitled to file the petition:

(a) Where the debtor is the petitioner, he shall furnish such documents to prove that he is a non-wilful defaulter;

(b) Where the creditor is the petitioner, he shall furnish such documents to prove that the debtor is a wilful defaulter.

(4) The tribunal shall, if deemed necessary and sufficient cause shown, grant time to the debtor or creditor to produce further evidence on the case;

(5) The tribunal shall dismiss the petition, after due examination of the documents and other evidences, if in the case of the petition being filed by:

(a) a debtor, and the tribunal is not satisfied that he is not a non-wilful defaulter;

(b) a creditor, if the tribunal is not satisfied that the debtor is not a wilful defaulter;

(6) The tribunal shall order an enquiry to be conducted to establish that the current monthly income of the debtor is not higher than a desired limit as decided by the tribunal, given that such income is not above the median income of the State where the debtor resides;

(7) If the petition, after due examination of evidence, is accepted, then the tribunal shall issue an Order of Bankruptcy adjudging the debtor as bankrupt, and the copy of such an order shall be served both on the debtor and the creditor/creditors.

Power to
entrust
property with
trustee and
list of exempt
properties.

14. Once the order is made, the tribunal shall entrust the properties, if any, of the debtor, with the trustee of the tribunal, except the exempt properties which include:

(a) the house of the debtor;

(b) the area where the house is built;

(c) the essential utilities and utensils required for the house, as prescribed in the rules made under this act; and

(d) the essential instruments to continue his work/job in the case of debtors who are farmers, carpenters and the like.

15. The trustee shall be responsible to liquidate the propertise to money, in the manner as may be prescribed, and distribute the money to the creditors in such order of preference, fully secured creditors, partly secured creditors to the extent they are secured, realization expenses and remuneration of the trustee, preferential creditors and unsecured creditors:

Responsibility of trustee to liquidate properties.

Provided that nothing in this section shall affect the power of any secured creditor to realise his security, in the manner as he would have been entitled otherwise.

16. (1) If after the distribution is completed, the debtor is required to obtain a certificate of discharge from the tribunal, such that, the tribunal, for the issue of such a certificate, shall be convinced that the default in payments by the debtor was not wilful and the conduct of the debtor has been satisfactory during the tribunal proceedings;

Certificate of Discharge.

(2) On obtaining the certificate of discharge, the unpaid debts are cancelled and the debtor is liberated from the demands of his creditors;

(3) The time taken from the filing of the petition to the issue of the certificate of discharge shall not be more than 3 months:

Provided that if the tribunal has reasons to believe that the procedure of liquidating the properties of the debtor should take more time, on the request of the trustee, the tribunal shall grant an additional time not exceeding one month for the completion of all procedures.

(4) The certificate of discharge, shall not be release to the debtor from:

(a) any debt due to the Government;

(b) any debt or liability incurred by any means of fraud or fraudulent breach of trust to which he is party;

(c) any debt or liability in respect of which he was obtained forbearance by any fraud to which he was a party; or

(d) any liability under an order for maintenance made under section 125 of the Code of Criminal Procedure 1973.

2 of 1974.

CHAPTER V

REHABILITATION

17. After the issue of the order of bankruptcy, the debtor, his immediate relatives and his properties shall be protected from all coercive methods, physical and emotional, of the creditors or anyone intermediately thereof;

Protection to Debtor and kin.

18. The appropriate Government shall constitute a Bankruptcy Rehabilitation Fund as may be prescribed made under this Act to help revive declared bankrupts, within a year of enactment of this act, and ensure that;

Bankruptcy Rehabilitation Fund.

(i) every person who is declared bankrupt by the tribunal by order of bankruptcy, shall be provided with the minimum social benefits by the appropriate Government; and

(ii) the debtor, if the tribunal feels necessary, shall be recommended to be given loan from the bankruptcy rehabilitation fund of the appropriate Government, at an interest rate as may be prescribed by the tribunal.

19. (1) A debtor, who is declared bankrupt with no properties except his house to pay off debts, shall be required to submit a proposal outlining his plan to pay off the debts,

Plan to pay off debt in case of no properties except exempt properties.

(i) the plan may be submitted to the tribunal within 3 months of him being declared bankrupt; and

(ii) the plan shall pay off debts within a time period of 3 years or as deemed right by the tribunal;

(iii) the tribunal, if satisfied with the proposal, shall allow an extension of the said time period, to issue his certificate of discharge;

(2) If the debtor is a farmer and declared bankrupt, an extension of at least two years shall be given to the farmer to pay off his debts and issue his certificate of discharge:

Provided that the default in payment of a debtor is caused by natural calamities, the tribunal shall recommend the creditors for a moratorium for the payments of the debtor.

CHAPTER VI

CIVIL RECORD AND PENALTY

Record of
Bankruptcy
in civil and
credit record.

20. After issue of the order of bankruptcy by the tribunal, the record of bankruptcy shall remain on the debtors credit record and civil record till the next seven years along with the certificate of discharge if issued under section 16.

Misrepresentation of
Statement of
Bankruptcy
or other
records as a
punishable
offence.

21. Whoever make any mis-representation in the statement of Bankruptcy in the credit or civil record shall be punished with imprisonment for one month and also with fine which may extend to ten lakh rupees:

Provided that all sums realised by way of fines shall be credited in the Bankruptcy Rehabilitation Fund.

CHAPTER VII

MISCELLANEOUS

Repeal and
Saving.

22. (1) The Presidency-Towns Insolvency Act, 1909 and the Provincial Insolvency Act, 1920 are hereby repealed.

(2) The repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied, incorporated or referred to and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing.

Central
Government
to provide
funds.

23. The Central Government will from time to time, provide, after due appropriation made by the Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Power to
remove
difficulty.

24. If any difficulty arises in giving effect to the provisions of this Act, the appropriate Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty.

Power to
make rules.

25. The appropriate Government, may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

India's ranking fell from 109 to 132 among 185 economies in 2012 when it comes to ease of resolving insolvency issues according to the World Bank. Personal Bankruptcy laws help people who are no longer in a position to pay off their debts and are distressed due to coercive methods used by creditors, thus unable to make a fresh start. The personal bankruptcy framework in India is weak and barely has provisions for any statutes, apart from the few passed almost over a century ago, during the British regime, namely, The Provincial Insolvency Act, 1920 and The Presidency Towns Insolvency Act, 1909. The Bill repeals the two archaic laws.

In the context of massive growth of different types of loans, credit card usage and the like, the law should also be progressive and effective. Bankruptcy and insolvency is specified in the entry 9 of the concurrent list of the Seventh Schedule of the constitution of India. The Centre as well as the State Government have the power to legislate on the same and both share responsibility to take to task the matter of bankruptcy. The Bill is an attempt to make a comprehensive legislation regarding personal bankruptcy. It vests upon the appropriate Government to establish Special Tribunals to admit petitions of Bankruptcy and issue notices to hear cases of personal bankruptcy.

The Bill lays down the guidelines for functioning of the tribunal as well as safeguards to rehabilitate debtors and make for a transparent, expeditious and just procedure for settling debt. There are separate provisions for farmers who are debtors, in which case, the legislation is comparatively liberal with regard to the allocation of time. The record of bankruptcy will be present in the civil and credit record of the person for a period of 7 years from the date of issue of the order of bankruptcy by the tribunal along with the Certificate of Discharge.

The Bill also provides for a Bankruptcy Rehabilitation Fund for the revival of those declared bankrupt along with imposing penalty in the form of fine or imprisonment, or both in the event of misrepresentation of the Statement of Bankruptcy in the civil and credit record of any person. The remuneration earned thereof would be deposited in the Bankruptcy Rehabilitation Fund.

Hence this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 3 of this Bill requires the Central Government to set up special tribunals to hear cases of personal bankruptcy. Clause 18 of the Bill provides for the establishment of a Bankruptcy Rehabilitation Fund by the Central Government. Therefore, the Bill, if enacted, will involve a non-recurring expenditure towards establishing tribunals and the rehabilitation fund of around one hundred crore rupees.

The Bill will also involve a recurring expenditure towards the salaries of those serving at the tribunal and for maintenance of records and proceedings amounting to ten crore rupees annually. Clause 23 of the Bill makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, if enacted will involve therefore expenditure from the Consolidated Fund of India which as of we can not be precisely estimated.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of this Bill gives power to the appropriate Government to make necessary rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V

BILL NO. XL OF 2015

A Bill to significantly reduce the high number of road accidents resulting in deaths and injuries by establishing a protective framework for all classes of road users, including vulnerable road users, fixing accountability on and establishing minimum safety standards for road users, owners and vehicle manufacturers, enhancing enforcement and improving over-all road discipline and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India guarantees right to life with dignity to all people;

AND WHEREAS 1.4 lakh people are killed on Indian roads every year;

AND WHEREAS it is necessary to safeguard the health and prosperity of innocent civilians by establishing a safe system where the number of fatalities and serious injuries caused by accidents are significantly reduce in the long term.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Road Safety and Protection of Vulnerable Road Users Act, 2015.

(2) It extends to the whole of India:

Short title,
extent and
commencement.

Provided that the Central Government may, with the consent of the State Government of Jammu and Kashmir, extend the Act to the State.

(3) It shall come into effect on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “ambulance” means a vehicle specially designed, constructed or modified and equipped and intended to be used for emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated;

(b) “certificate of registration” means the certificate issued under the Motor Vehicles Act, 1988 by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the said Act;

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(c) “company” means a company incorporated under the Companies Act, 2013 or under any previous company law;

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(d) “community service” means a requirement of unpaid work under such terms as may be specified by the National Road Safety Authority imposed on a person who has committed an offence under this Act;

(e) “driver” means any person who drives or steers a motor vehicle;

(f) “driving license” means the license issued under the Motor Vehicles Act, 1988 authorizing a person to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified type or class;

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(g) “drug” or “drugs” means and includes any intoxicant other than alcohol, natural or synthetic, or any natural material or any salt or preparation of such substance or material as specified by the National Road Safety Authority under this Act;

(h) “emergency vehicle” means a transport vehicle used solely for police, fire brigade or ambulance purposes;

(i) “goods” means any kind of movable property and includes livestock but does not include persons and their personal effects;

Explanation.—Motor vehicles being transported on another motor vehicle shall be also considered as goods.

(j) “gross vehicle weight” means, in respect of any vehicle, the maximum weight of the vehicle in laden condition as specified by the manufacturer and certified by the type approving authority;

(k) “heavy motor vehicle” means any motor vehicle the gross vehicle weight of which exceeds twelve thousand kilograms or as specified by the National Road Safety Authority under this Act;

(l) “licensing authority” means an authority empowered by the National Road Safety Authority to issue licenses under this Act;

(m) “light motor vehicle” means a motor vehicle, the gross vehicle weight of which does not exceed seven thousand five hundred kilograms or as specified by the National Road Safety Authority;

(n) “manufacturer” means a person who is engaged in the manufacture of motor vehicles;

(o) “mobile machinery” means heavy equipment or construction equipment or earth moving equipment except shop or hand tools, which is self-propelled, towed, or hauled and used primarily in construction and maintenance of roads, bridges, ditches, buildings and land reclamation or as specified by the National Road Safety Authority;

(p) “motor cycle” means a two-wheeled motor vehicle, including a sidecar with an extra wheel which may be attached;

(q) “motor vehicle” or “vehicle” means any mechanically propelled vehicle used in any place whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer or a semi-trailer or mobile machinery; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or such vehicles as may be notified by the National Road Safety Authority from time to time;

(r) “National Road Safety Authority” means the National Authority for ensuring Road Safety as established under section 67 of this Act;

(s) “non-motorised transport” means any mode of transport that is propelled or powered by muscular power of either human beings or animals and excludes pedestrians;

(t) “owner” in relation to a motor vehicle means the person in whose name a motor vehicle stands registered and where such a person is a minor, the guardian of such minor; and in relation to a motor vehicle which is the subject of a hire-purchase agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement; or in respect of an unregistered vehicle, the person in possession or control of the vehicle; or a vehicle manufacturer or dealer or importer till such time the vehicle is registered;

(u) “passenger” is a person who travels in a vehicle but bears little or no responsibility for the tasks required for that vehicle to arrive at its destination or otherwise operate the vehicle;

(v) “passenger vehicle” means any motor vehicle constructed or adapted for use for the carriage of passengers and their personal luggage;

(w) “permit” means a document issued under this Act authorizing the use of motor vehicles as a transport vehicle;

(x) “private service vehicle” means a motor vehicle constructed or adapted to carry passengers and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public transportation;

(y) “property” includes goods carried in the motor vehicle, personal effects of passengers, as well as roads, bridges, culverts, causeways, trees, posts and milestones;

(z) “protective headgear” includes any equipment or device, including helmets, primarily intended to protect the wearer's head against impact in the event of a collision.

(za) “public place” means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down;

(zb) “road safety” means the set of practices which identify those problems that contribute to crashes or injuries and includes methods and measures for reducing the risk of a road crash death or injuries sustained in a crash in a public place including but not limited to driver education regarding responsible road sharing and protection of vulnerable road users, enforcement of traffic laws, manufacture of vehicles with in-built high safety standards, construction of safe roads and provision of emergency road services;

(zc) “restricted road” includes a road on which a speed limit applies or has a restriction on the types of vehicles which may ply on that road or has been notified by the appropriate authority to be a restricted road;

(zd) “road crash death” means the death of any person who dies within thirty days or such time period as may be specified by the National Road Safety Authority, as a result of injuries sustained due to a crash caused by a motor vehicle in a public place;

(ze) “semi-trailer” includes a vehicle without motive power designed to be drawn by a motor vehicle or truck tractor or a prime mover and so constructed that an appreciable part of its weight and that of its load rests on and is carried by the motor vehicle or truck tractor, and a pole trailer;

(zf) “State Safety Authority” means the State Safety Authority established under Section 89 of this Act;

(zg) “Technical Working Groups” means the working groups established under Section 82 of this Act;

(zh) “three-wheeled vehicle” means a motor vehicle having three wheels designed, constructed or adapted for the carriage of persons and/or goods, but does not include a two-wheeler attached with a sidecar or a two-wheeler adapted for use by differently-abled persons;

(zi) “traffic” on roads includes motor vehicles, pedestrians, non-motorized transport and other vehicles, either singly or together;

(zj) “traffic signs” includes all signals including manual signals, warning sign posts, direction posts, markings on the road or other devices for providing information, guidance or direction to any user of the road;

(zk) “trailer” includes, a vehicle without motive power designed to be drawn by or used in conjunction with a motor vehicle except—

(a) a boat, horse, snowmobile, automobile or motorcycle trailer that is not used for business purposes or financial gain;

(b) an implement of animal husbandry;

(c) a sidecar attached to a motorcycle; and

(d) a disabled motor vehicle that is towed by a tow car.

(zl) “transport vehicle” means a motor vehicle used for carriage of passengers for hire or reward or a goods vehicle or a trailer or a semi-trailer or mobile machinery but does not include a private service vehicle;

(zm) “two-wheeler” means a two wheeled motor vehicle with or without a detachable sidecar with one or more wheels and includes a two-wheeler adapted for use by differently-abled person;

(zn) “unladen weight” means the weight of a vehicle or trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant; and where alternative parts or bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body;

(zo) “weight” means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

Guiding principles to be followed in administration of the Act.

3. The Central Government, the State Governments, the National Road Safety Authority, the State Safety Authorities and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following principles namely:—

(a) the desirability to facilitate the seamless movement of people, goods and services by way of motor vehicles throughout the territory of India;

(b) the advantages offered to the public by the development of road transport and systems of public transportation;

(c) the development of technology, its adoption, and innovation in motor vehicles and road transport;

(d) the necessity to ensure public safety;

(e) the necessity to protect public health;

(f) the desirability of reducing the incidence and severity of road trauma;

(g) the desirability of preventing the deterioration of the road network;

(h) the desirability to foster transparency and eliminate corrupt practices.

CHAPTER II

ROAD SAFETY, TRAFFIC MANAGEMENT AND RELATED OFFENCES

4. (1) A National Unified Information System shall be developed and maintained by The National Road Safety Authority for the entire country for ensuring road safety.

National
Unified
Information
System.

(2) Without prejudice to the generality of the above provision, the National Unified Information System shall include information relating to—

(a) the registration of motor vehicles and the renewals of such registrations;

(b) the information of manufacturers, including chassis number, and engine number of motor vehicles either manufactured in India or registered in India;

(c) the details of insurance policies of motor vehicles registered in India;

(d) the certificates of fitness and pollution under control certificates;

(e) the issuance and renewal of driving licenses;

(f) traffic offences committed along with penalties imposed on the holders of a driving license and registered motor vehicles;

(g) road crashes involving motor vehicles.

(3) The system shall be developed to ensure that the payment of monies and the distribution of revenue to the states and the local government is facilitated in a seamless manner and protects against revenue leakage.

(4) Notwithstanding anything contained in any other law, the National Road Safety Authority shall have the power to call for information from any person in possession, control or ownership of such information, including the State Governments, competent licensing authorities, competent registering authorities, motor vehicle manufacturers and such person shall be obliged to submit the said information forthwith.

(5) Every motor vehicle manufacturer shall be obliged to provide details including the unique chassis number assigned by it to each vehicle it manufactures to the National Road Safety Authority for the purpose of developing and maintaining the National Unified Information System and in such format and manner as may be specified by the National Road Safety Authority.

(6) Whoever fails to provide information to the National Road Safety Authority shall be committing an offence under this Act which shall attract penalty in accordance with Schedule II.

5. (1) An Electronic Road Crash and Offences System shall be designed and developed by the National Road Safety Authority within two years from the date of the commencement of this Act and shall be implemented within one year of its development.

Electronic
Road Crash
and Offences
System.

(2) The Electronic Road Crash and Offences System shall be designed to:

(a) Enable the submission of data on road crashes and offences either electronically or at any police station in the country; and

(b) Facilitate the collection of uniform standardized information regarding road crashes and offences.

Universal
Road Crash
Emergency
Access
Telephone
Number.

6. (1) The National Road Safety Authority shall establish a toll-free Nation-wide Road Crash Emergency Access Telephone Number for the entire country to enable persons involved in a road crash or any other person to alert and access first-response emergency services that shall provide emergency services including golden-hour trauma care.

(2) The Central Government, State Government and State Safety Authority shall ensure, through appropriate regulations or orders or directives, that all emergency services are coordinated in their response to road crashes *via* the said Nation-wide Road Crash Emergency Access Telephone Number.

(3) The National Road Safety Authority shall make regulations specifying the form and manner in which such Nation-wide Road Crash Emergency Access Telephone Number is established and operated.

Unified
Driving
Licensing
System.

7. (1) A Unified Driving Licensing System shall be designed and developed by the National Road Safety Authority within six months from the date of the commencement of the Act and shall be implemented within one year of its development.

(2) Without prejudice to the generality of the above provision, the Unified Driving Licensing System shall—

(a) Enable the submission of applications for different types of driving licenses from anywhere in the country both electronically or before any competent licensing authority in the country;

(b) Facilitates collection of uniform standardized information including biometric or any other equivalent unique identification technology identified by the National Road Safety Authority;

(c) Facilitate collection of such information to verify whether the applicant for a driving license has a valid and operating bank account;

(d) Facilitates grant of license in a transparent and time bound manner; and

(e) Enable electronic payment of the fees as prescribed by the National Road Safety Authority in consultation with the Central and the State Government for issuance of driving license.

(3) The National Road Safety Authority in consultation with the State Safety Authorities shall establish *License Seva Kendras* in all the States to deliver license services to citizens in a timely, transparent, more accessible and reliable manner and in a comfortable environment through streamlined processes and trained workforce.

Grant of
Driving
License.

8. (1) The National Authority shall through rules lay down the detailed requirements for the issuance of driving license, including mandatory driver training and competence tests.

(2) Notwithstanding the generality of the provision under sub-section 1, no person shall be granted a driving license unless—

(a) that person is medically fit to hold that category of license and the criteria for fitness shall be as prescribed by the National Road Safety Authority

(b) that person has undergone mandatory driver's training in the manner and at an institution as prescribed by the National Road Safety Authority through rules

(c) that at some time in the three months prior to the date of application, that person has passed the specified tests of competence to drive:

Provided that the National Authority shall also prescribe through rules the procedure for renewal of driving license.

9. (1) Any person who, while holding any driving license for the time being in force, attempts to obtain any other driving license except as provided under this Act, shall be punishable in accordance with Schedule II.

Offences related to driving license.

(2) Any person who, while holding any driving license for the time being in force, obtains any other driving license except as provided under this Act, then both such licenses issued to that person are deemed to be invalid.

(3) Any person who, while holding any driving license for the time being in force, holds any other driving license except as provided under this Act shall be punishable in accordance with Schedule I.

(4) Any person who, being disqualified under this Act for holding or obtaining a driving license, drives a motor vehicle in any place, or applies for or obtains a driving license, shall be punishable in accordance with Schedule II.

(5) Any person who, not being entitled to have a driving license issued to such person free of endorsement, applies for or obtains a driving license without disclosing, the endorsement made on a driving license previously held by such person, shall be punishable in accordance with Schedule II and may have to undergo compulsory refresher training.

(6) Whoever, being the owner or the driver of a motor vehicle, or the person under whose instructions the driver of a motor vehicle, knowingly causes or permits a minor to drive that vehicle shall be punishable in accordance with Schedule II.

10. (1) The State Government shall prescribe electronic enforcement of road safety and traffic regulations for any urban city within the State, which has a population above the limit prescribed by the Central Government.

Electronic Enforcement of Traffic Regulations

(2) For the purposes of this Section, the National Road Safety Authority shall make regulations for electronic monitoring and enforcement for road safety, which may include speed cameras, CCTV cameras, speed guns and other similar, progressive technology that achieves the objectives specified by the National Road Safety Authority.

11. (1) The National Road Safety Authority shall make regulations specifying the protective gear and conspicuity requirements including types of helmets, reflector material and jackets, required for affording protection to persons on bicycles from death or injury in the event of a crash.

Bicyclist Safety - Protective headgear and conspicuity requirements.

(2) A person who is riding a bicycle without wearing protective headgear or in contravention of regulations under this Section is guilty of an offence under this Act and shall be punished in accordance with Schedule II.

(3) In case the offence under sub-section (2) has been committed by the driver, the person shall be awarded penalty points in accordance with Schedule I.

Explanation. — For the purposes of this Section and Section 12, "helmet" includes any head-dress as specified by the National Road Safety Authority.

12. (1) The National Road Safety Authority shall make regulations specifying the protective gear and conspicuity requirements, including types of helmets, daytime running lights, reflectorizing material, reflector jackets and visors, required to afford protection to persons on motor cycles of all classes, from death or injury in the event of a crash.

Motorcyclist Safety - Protective headgear and conspicuity requirements.

(2) A person who drives or rides a motor cycle without protective gear or in contravention of regulations under this Section is guilty of an offence and shall be punished in accordance with Schedule II:

Provided if the person actually committing the contravention is a child under the age of sixteen years, the driver will be held guilty of the offence:

Provided further that the requirement for protective headgear imposed by regulations under this Section shall not apply to any follower of the Sikh religion and only while such person is wearing a turban.

(3) In case the offence under sub-section (2) has been committed by the driver, the person shall be awarded penalty points in accordance with Schedule I.

Explanation. — For the purposes of this Section "Daytime Running Lights" include headlamps or lights switched on during the day in order to increase visibility and conspicuity of the vehicle.

Unauthorized
sale of
protective
and
conspicuity
gear.

13. If a person sells, or offers for sale, any protective or conspicuity gear, as specified by the National Road Safety Authority (by reference to shape, construction or any other quality) in sections 11 and 12 for affording such protection and the gear is not:

(a) of a type specified under sections 11 and 12; or

(b) of a type authorized under regulations made under sections 11 and 12 such person is guilty of an offence and shall be punished in accordance with Schedule II:

Provided a person shall not be convicted of an offence under this Section in respect of the sale or offer for sale of any protective or conspicuity gear if that person proves that such protective or conspicuity gear was sold or offered for sale solely for export purposes.

Three-
wheeled
vehicles -
Safety and
conspicuity
requirements.

14. (1) The National Road Safety Authority shall make regulations specifying the safety and conspicuity requirements including fog lights and tail lights, retro-reflective material, or other requirements for poor or dense weather conditions, as required to afford protection to persons on or in three wheeled vehicles of different classes, from death or injury in the event of crash.

(2) Whoever, while driving a three wheeled vehicle contravenes the provisions of sub-section (1) shall be punished in accordance with Schedule II, and shall be awarded penalty points in accordance with Schedule I.

Light Motor
Vehicles:
Safety and
Conspicuity
Requirements.

15. (1) The National Road Safety Authority shall make regulations specifying (by reference to shape, construction or any other quality) the safety and conspicuity requirements including air-bags, daytime running lights, and reflectorizing material recommended as affording protection to persons on or in Light Motor Vehicles of different classes, from death or injury in the event of a collision.

(2) Whoever, while driving a light motor vehicle contravenes the provisions of sub-section (1) shall be punishable in accordance with Schedule II, and shall be awarded penalty points in accordance with Schedule I.

Transport
Vehicles:
Safety and
Conspicuity
Requirements.

16. (1) The National Road Safety Authority shall make regulations specifying (by reference to shape, construction or any other quality) the safety and conspicuity requirements including, but not limited to, daytime running lights, tail lights or fog lights, retro-reflective material, and barricading requirements in case of being stationary on the road, required as affording protection to persons on or in, or from transport vehicles of different classes, from death or injury in the event of a crash.

(2) Whoever, while driving a transport vehicle contravenes the provisions of sub-section (1) shall be punishable in accordance with Schedule II, and shall be awarded penalty points in accordance with Schedule I.

Restriction of
carriage of
persons on
non-
Motorized
Transport.

17. (1) No person shall conduct Carriage on a road or riding of or carriage in non-motorized transport of persons more than such number specified by the National Road Safety Authority.

(2) If a person is carried on or in non-motorised transport in contravention of sub-section (1) above, the driver is guilty of an offence and shall be punished in accordance with Schedule II.

Restriction of
carriage of
persons on
Motor Cycles,

18. (1) Not more than one person in addition to the driver may be carried on a motor cycle.

(2) No person or animal in addition to the driver may be carried on a motor cycle otherwise than sitting on a proper seat securely fixed to the motor cycle either being behind the driver's seat or being a combined seat.

(3) If a person or animal is carried on a motor cycle in contravention of this Section, the driver of the motor cycle is guilty of an offence and shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

19. (1) Not more than the specified number of persons as provided by the National Road Safety Authority may be carried on a road in a three-wheeled vehicle.

Restriction of carriage of persons in Three-wheeled vehicles.

(2) If a person is carried in a three-wheeled vehicle in contravention of sub-section (1) above, the owner and the driver of the three-wheeled vehicle is guilty of an offence.

Explanation.—In this Section, references to a person carried in a three wheeled vehicle includes references to persons driving the three-wheeled vehicle.

20. (1) A person who drives or rides in a motor vehicle without wearing a seat belt or in contravention of regulations under this Section is guilty of an offence and shall be punished in accordance with Schedule II:

Seat belts for Adults in a motor vehicle.

Provided that no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention.

(2) In case the offence under sub-section (1) has been committed by the driver, the person shall also be awarded penalty points in accordance with Schedule I.

(3) The National Road Safety Authority may by regulations specify:

(a) the description of seat belts to be worn;

(b) different requirements in relation to different classes of vehicles, different descriptions of persons, including those with disabilities or with special health requirements, and different circumstances; and

(c) any exceptions to sub-section (1), and may require persons seeking such exception to obtain a certificate, which, in certain cases, may be issued for a specified fee.

(4) If the holder of any such certificate as under sub-section (3)(c) is informed by a police officer that the person may be prosecuted for an offence under sub-section (1) above, the person is not entitled to rely on the exception afforded by the certificate in proceedings for that offence unless:

(a) it is produced to the police officer at the time that person is so informed; or

(b) it is produced:

(i) within seven days after the date on which the person is so informed; or

(ii) as soon as is reasonably practicable, at such police station as the person may have specified to the police officer; or

(iii) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.

(5) For the purposes of sub-section (4), the service of the complaint on the accused shall be treated as the commencement of the proceedings.

21. (1) Except as provided by regulations, a parent or guardian of the child, or in the absence of such parent or guardian, the driver of the motor vehicle shall not allow a child below the age of eight years to occupy the front seat of a motor vehicle when the vehicle is in motion. In case of contravention, the driver shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

Seat belts and seating requirements for children in motor vehicles.

(2) Except as provided by regulations, where a child above the age of eight years occupies the front seat of a motor vehicle, a person shall not drive the vehicle on a road unless the child is wearing a seat belt or child restraint system in conformity with regulations. In case of contravention, the driver shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

(3) Except as provided by regulations, where a child under the age of 14 years is in the rear of a motor vehicle, a person shall not drive the vehicle on a road unless the child is wearing a seat belt or child restraint system in conformity with regulations. In case of contravention, the driver shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

(4) Except as provided by regulations, a person shall not drive the passenger car on a road in cases where a child of the specified description is in the rear of the passenger car when:

(a) no seat belt is fitted in the rear of the passenger car; and

(b) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person.

(5) Regulations made for the purposes of sub-section (2) or (3) above shall include an exemption for any child holding a valid certificate signed by a medical practitioner, in the form and manner specified by the National Road Safety Authority, to the effect that it is inadvisable on medical grounds for that child to wear a seat belt.

(6) If the driver of a motor vehicle is informed by a police officer that the person may be prosecuted for an offence under this section, the person is not entitled to rely on an exception afforded to a child by a certificate referred to in sub-section (4) above in proceedings for that offence unless:

(a) it is produced to the police officer at the time such person is so informed; or

(b) it is produced to the police officer within seven days after the date on which such person is so informed.

(7) For the purposes of sub-section (6) above, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

Child restraint
systems in
vehicles.

22. (1) The National Road Safety Authority shall make regulations specifying the types of equipment of any description to which this section applies that are required as conducive to the safety, in the event of a collision or a sudden stop, of specified categories of children in specified classes of motor vehicles.

(2) Regulations under this section may specify types of child restraint systems required for children under a certain weight and height.

(3) Regulations under this section may make provision for securing that when equipment of a type specified by the regulations is sold or offered for sale as equipment which is so conducive:

(a) appropriate information is provided in relation to it in such manner as may be specified; and

(b) inappropriate information is not provided in relation to it.

(4) Except in such circumstances as may be specified, if a person sells, or offers for sale, equipment of any description for which a type is specified under this Section as equipment which is so conducive and that equipment:

(a) is not of a type so specified; or

(b) is sold or offered for sale in contravention of regulations under this Section

that person is, subject to sub-section (6) guilty of an offence and shall be punished in accordance with Schedule II.

(5) Except in such circumstances as may be specified, if a person sells, or offers for sale, equipment of any description for which a type is specified under this Section as equipment conducive to the safety in the event of a crash:

(a) of children not of a category specified in relation to equipment of that type;
or

(b) of children in motor vehicles not of a category specified in relation to equipment of that type;

that person is, subject to sub-section (7) guilty of an offence and shall be punished in accordance with Schedule II.

(6) A person shall not be convicted of an offence under this Section in respect of the sale or offer for sale of equipment if the person proves that it was sold or, as the case may be, offered for sale for export.

(7) Regulations under this Section may make different provision in relation to different circumstances.

Explanation.—References in this Section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

23. (1) The operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified of the requirement to wear a seat belt at all times when:

Requirement to notify bus passengers to wear seat belts.

(a) the passenger is in a seat equipped with a seat belt; and

(b) the bus is in motion.

(2) For the purposes of sub-section (1), a passenger may be notified by means of an official announcement, or an audio-visual presentation, or pictorial symbol of the form as specified.

(3) An operator who fails to comply with sub-section (1) is guilty of an offence and shall be punished in accordance with Schedule II.

(4) Where an offence under sub-section (4) above which has been committed by a company is proved to have been committed with the consent or connivance of, or may be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such a capacity, that person as well as the company shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) Sub-section (1) above does not apply in relation to a bus:

(a) which is being used to provide a local service in a built-up area; or

(b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing as per the regulations specified by National Road Safety Authority.

(6) For the purposes of clause (a) above, a local service is provided in a built-up area if the entire route used by that service consists of restricted roads.

24. (1) A person is guilty of an offence and shall be punished in accordance with Schedule II, along with being awarded penalty points in accordance with Schedule I if such person parks or abandons a motor vehicle (as specified in regulations made by the National Road Safety Authority) wholly or partly on any road including:

Prohibition of parking or abandoning of Motor Vehicles in certain places.

(a) on the verge of a road; or

(b) on any land situated between two carriageways and which is not a footpath or a cycle track; or

(c) on a footpath; or

(d) on a cycle track:

Provided that a person shall not be convicted of an offence under this Section in respect of a vehicle if that person proves to the satisfaction of the court:

(a) that it was parked or abandoned in accordance with permission given by an authorized person; or

(b) that it was parked or abandoned in contravention of this Section for the purpose of saving life or extinguishing fire or meeting any other like emergency; or

(c) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was driven in contravention of that sub-section in connection with the carrying out by or on behalf of that authority of any of the following, that is:

(i) the cleaning, maintenance or improvement of; or

(ii) the maintenance or alteration of any structure or other work situated in, the cycle track or path or their verges; or

(iii) the preventing or removing of obstructions to the cycle track or the footpath; or

(iv) the preventing or abating in any other way of nuisances or other interferences with the cycle track or footpath.

(d) that it was parked or abandoned in contravention of this Section but the following conditions were satisfied—

(i) that the vehicle was parked on the verge of a road or on a footpath for the purpose of loading or unloading with adequate warning signs, barricading and other safety measures as specified by the National Road Safety Authority;

(ii) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footpath or verge; or

(iii) that the vehicle was not left unattended at any time while it was so parked and had adequate warning signs, barricading and other safety measures as specified by the National Road Safety Authority.

Prohibition of driving in certain places.

25. (1) Any person who, without lawful authority, drives a motor vehicle wholly or partly on a cycle track or a footpath is guilty of an offence and shall be punished in accordance with Schedule II along with being awarded penalties in accordance with Schedule I.

(2) A person shall not be convicted of an offence under sub-section (1) above with respect to a vehicle if the person proves to the satisfaction of the court:

(a) that the vehicle was driven in contravention of that sub-section for the purpose of saving life, or extinguishing fire or meeting any other like emergency; or

(b) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was driven in contravention of that sub-section in connection with the carrying out by or on behalf of that authority of any of the following, that is:

(i) the cleaning, maintenance or improvement of; or

(ii) the maintenance or alteration of any structure or other work situated in, the cycle track or footpath or their verges; or

(iii) the preventing or removing of obstructions to the cycle track or the footpath; or

(iv) the preventing or abating in any other way of nuisances or other interferences with the cycle track or footpath.

26. Every person shall conform to and obey any indication of a Child Zone, as specified by the National Road Safety Authority and shall comply with all directions given to that person by any police officer, or other authorized person, for the time being engaged in regulation and surveillance of a child zone.

Duty to obey Child Zones.

Explanation.—“Child Zone” in this Section shall mean a specified area, as notified by the State Safety Authority in conformity with regulations specified by the National Road Safety Authority, frequented by children including spaces outside schools, parks or specified times in the day, where the traffic shall be regulated through interventions including speed limits, engineering interventions and other measures to ensure the safety of children.

27. (1) The Traffic Authority through an order made under this sub-section may prohibit:

Speed limits on roads other than restricted roads.

(a) the driving of motor vehicles on that road at a speed exceeding that specified in the order;

(b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order; or

(c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.

(2) An order made by virtue of sub-section (1)(c) may:

(a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given; and

(b) provide for the indications to be given only in such circumstances as may be determined by or under the order;

but any such order must comply with regulations made under sub-section (3), except where the State Government authorizes otherwise in a particular case.

(3) The State Government may make rules governing the provision which may be made by orders of local authorities under sub-section (2)(b) and any such rules may in particular:

(a) prescribe the circumstances in which speed limits may have effect by virtue of an order;

(b) prescribe the speed limits which may be prescribed in an order; and

(c) make transitional provision and different provision for different cases.

(4) While an order made under sub-section (1)(a) is in force with regard to a road, that road shall not be a restricted road for the purposes of section 29 of this Act.

(5) For the purposes of this Section a “traffic authority” shall mean an authority that manages and regulates traffic under this Act.

28. (1) A person who drives a motor vehicle of any class in contravention of the speed limits referred to in section 27, shall be punishable in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I for each offence so committed.

Offence of driving at excessive speed.

(2) Whoever causes a person who is in their employment or under their control when driving a motor vehicle to drive the vehicle in contravention of the speed limits referred to in Section 20, shall be punishable in accordance with Schedule II.

(3) The publication of a time-table or log book, or the giving of any direction electronically as per which any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without contravening the speed limits referred to in Section 27, be prima facie evidence that the person who published the time table or log book or gave the direction electronically has committed an offence punishable under sub-section (3).

(4) Any person who commits an offence under this Section may also have his/her license suspended or revoked subject to the penalties mentioned in Schedule II, and may have to undergo compulsory refresher training for renewal of license, or as the case may be, as specified by the National Road Safety Authority:

Provided that no statutory provision imposing a speed limit on motor vehicles shall apply to any designated emergency vehicle on an occasion when it is being used for fire and rescue authority, ambulatory purposes, disaster response or police purposes, if the observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

Offence of driving at excessive speed on restricted roads.

29. (1) A person who drives a motor vehicle on a restricted road at a speed exceeding the speed limit specified for such roads is guilty of an offence and shall be punished in accordance with Schedule II, along with being awarded penalty points under Schedule 1.

(2) The traffic authority for a road may direct that the road,—

(a) which is a restricted road for the purposes of this Act shall cease to be a restricted road for those purposes; or

(b) which is not a restricted road for those purposes shall become a restricted road for those purposes.

(3) For the purposes of this section a “traffic authority” shall mean an authority that manages and regulates traffic under this Act.

Speed Management Signs.

30. (1) For the purpose of ensuring that adequate guidance is given to drivers of motor vehicle as to whether any, and if so what, limit of speed is to be observed on any road, it shall be the duty of the State Government, in the case of a road for which that person is the traffic authority, to place and maintain speed management signs in such positions as may be requisite for that purpose.

(2) In the case of any other road, the local traffic authority may issue an order in writing:

(a) to place and maintain such number of traffic signs in such positions as may be requisite in order to give effect to general or other directions given by the State Governments for the purpose mentioned in sub- section (1); and

(b) to alter or remove traffic signs as may be requisite in order to give effect to such directions, either in consequence of the making of any order by the Central Government or otherwise.

Right of way to emergency vehicles.

31. (1) Notwithstanding anything contained under any other law, upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred feet to the front of such vehicle; or the driver is given audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle, including VIP vehicles and VIP convoys shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the road clear of any inter Section, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

(2) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of sub-section (1) of this section closer than five hundred feet, nor shall he drive into, or park the vehicle into, or park the vehicle within, the block where the vehicle has stopped in answer to an emergency call or alarm unless he is directed otherwise by a police officer or firefighter.

(3) No motor vehicle shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the fire department official in command consents that the hose be driven over.

(4) This Section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the roads.

(5) Whoever, being the driver of a motor vehicle or the person under whose instructions a motor vehicle is being operated, knowingly causes or permits a violation of sub-sections (1), (2) and (3) of this Section, shall be punishable in accordance with Schedule II, shall be awarded penalty points in accordance with Schedule I.

32. (1) A person who drives a motor vehicle shall maintain a safe distance to an extent, as specified by the National Road Safety Authority, while overtaking or passing non-motorized transport or pedestrian, on restricted roads.

Maintenance
of Safe
Distance
from
Pedestrians
and Non-
motorized
transport.

(2) A person who drives a motor vehicle in contravention of this provision, shall be guilty of an offence, except if:

(a) it was necessary to do so to ensure safety of passengers in the motor vehicle; or

(b) to avoid a collision on the road.

33. Whoever drives a motor vehicle in a manner which causes a sense of alarm or distress to the occupants of the vehicle, other road users, and persons and property near roads, which includes driving against the authorized flow of traffic, dangerous passing and overtaking, including by authorized convoys with escort vehicles, convoy of private service vehicles and vehicles carrying personal security officers in the convoy, driving dangerously and dangerous driving with children on board, having regard to all the circumstances including the nature, condition and use of the place where the vehicle is driven and the volume of traffic at the time or which might reasonably be expected to be at such place even if such person is within the limits of speed for that particular road, shall be punishable for each mentioned offence, in accordance with Schedule II, and shall be awarded penalty points in accordance with Schedule I.

Driving which
causes threat
to public
safety.

34. (1) No person shall drive a motor vehicle under the influence of alcohol and the National Road Safety Authority may make additional regulations in this regard.

Prohibition
on Driving
under the
influence of
alcohol or
drugs.

(2) A person shall be punishable in accordance with Schedule II, along with being awarded penalty points under Schedule I, if while driving, or attempting to drive a motor vehicle, such person is deemed to have alcohol in his breath or blood on an impairment test, on a test by a breath analyser, or any other test including clinical test.

(3) The Central Government, in consultation with the State Government and the National Road Safety Authority, shall develop a liquor vending policy to regulate the placement of or abolition thereof, of liquor vends adjacent to national highways.

(4) A person who, while driving, or attempting to drive a motor vehicle, is under the influence of a narcotic, or a psychotropic substance or a drug or a prescription drug as prescribed by the Central Government in this behalf, by notification, shall be punishable in accordance with Schedule II, if:

(a) the person does not complete a compulsory impairment test in a manner satisfactory to a police officer under section 59, provided that any such police officer

should be trained to give such test in the manner specified by the National Road Safety Authority; and

(b) the person's blood or urine, as ascertained from an analysis through a clinical test subsequently taken under Section 61 contains evidence of the use of a drug or drugs as specified by the National Road Safety Authority.

(5) A police officer may arrest a person without warrant if the person refuses or fails to comply with provisions of sections 60 and 61.

(6) Any driver of a motor vehicle, carrying a child or children in the vehicle, who violates sub-section (1) or sub-section (4) of this section, shall be punishable in accordance with Schedule II, and subjected to an immediate Cancellation of license for a period of three years.

(7) Any person who drives a transport vehicle or a heavy motor vehicle and violates sub-section (1) or sub-section (4) of this section shall be punishable in accordance with Schedule II, and subjected to an immediate cancellation of license for a period of five years.

(8) Any person who has committed an offense under sub-section (4) of this section will have a valid defence, if the court is satisfied that the person had consumed the relevant qualifying drug:

(a) in accordance with:

(i) a current and valid prescription written for that person by a registered medical practitioner; and

(ii) any instructions from a registered medical practitioner or from the manufacturer of the qualifying drug; or,

(b) because it was administered by a registered medical practitioner, provided that the person complied with the instructions (if any) that the registered medical practitioner has given.

(9) It is no defence to proceedings for an offense that a provision forming part of Sections 59, 60 and 61 has not been strictly complied with or has not been complied with at all, provided there has been reasonable compliance with such of those provisions as apply.

Causing
danger to road
users.

35. A person is guilty of an offence and shall be punished in accordance with Schedule II if the person intentionally and without lawful authority or reasonable cause:

(a) causes anything to be on or over a road or near a road such that it affects the safety of road users or obstructs clear and safe vision of road users; or

(b) interferes with a motor vehicle; or

(c) interferes directly or indirectly, with traffic equipment, in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous; or

(d) damages public property.

Explanation I.— In sub-section (1) above "dangerous" refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that sub-section what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which a reasonable person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

Explanation II.— In sub-section (1) above "traffic equipment" means:

(a) anything lawfully placed on or near a road by a highway authority;

(b) a traffic sign lawfully placed on or near a road by an authorized person or by an authorized member of the police or by a person acting under the instruction, whether general or specific of a police officer other than a highway authority; or

(c) any fence, barrier or light lawfully placed on or near a road for the purposes of construction or maintenance of the road, or by an authorized member of the police or a person acting under the instructions, whether general or specific of a senior officer of police.

Explanation III.— For the purposes of Explanation II above anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.

36. If a person in charge of a vehicle causes or permits the vehicle or a trailer or as semi-trailer or mobile machinery drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to cause a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, that person is guilty of an offence and shall be punished in accordance with Schedule II

Leaving vehicles in dangerous position.

37. A person is guilty of an offence and shall be punished in accordance with Schedule II, if while a motor vehicle is on a road or on a parking place provided by a local authority, without consent of the owner, the person:

Tampering with vehicle.

(a) gets on to the vehicle; or

(b) tampers with the brake or other part of its mechanism, without lawful authority or reasonable cause; or

(c) tampers with safety electronic device.

38. If for the purpose of being carried or drawn, a person without lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer or semi-trailer or mobile machinery while in motion on a road, the person is guilty of an offence and shall be punished in accordance with Schedule II.

Holding or getting on to vehicle in order to be towed or carried.

39. A person who disrupts the flow of traffic in the following manners shall be guilty of an offence and shall be punished in accordance with Schedule II:

Offence of disrupting Flow of Traffic, etc.

(a) Parking a motor vehicle in a manner so as to disrupt the flow of traffic unless that person can show that there was an emergency which necessitated such an act;

(b) Crossing any road, street, way or thoroughfare at any point where signs, fences, barriers, or other devices are erected to prohibit or restrict such crossing;

(c) Crossing any road, street, way or thoroughfare in violation of a traffic signal or traffic sign.

Explanation.— For the purposes of this Section, "flow of traffic" means the authorized movement of motor vehicles, non-motorized transport and pedestrians.

40. (1) A person is guilty of the offence of overloading and shall be punished in accordance with Schedule II, if the person who drives a motor vehicle, or causes or allows a motor vehicle to be driven, including common carriers, goods transport agents and consignees, where:

Overloading.

(a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle;

(b) the laden weight of which exceeds the gross vehicle weight specified in the certificate or registration;

(c) the number of persons carried in the vehicle exceeds the number of passengers the vehicle is authorized to carry in such vehicles as may be specified by the National Road Safety Authority;

(d) an object or cargo that protrudes outside the body of the vehicle is carried in a manner that is likely to compromise the safety of or poses a danger to any person or property;

Provided that in case the contravention is committed by the driver, he shall be awarded penalty points in accordance with Schedule I:

Provided further that standard variance in weight may be permitted for equipment, mandated under this Act, fitted to the vehicle:

Provided further that a toll operator, as defined in National Highways Authority Act Rules, shall be guilty of an offence under sub-section (1), if the toll operator allows such a motor vehicle to be driven in the Section of the road over which such toll operator operates or has obtained a concession:

Provided further that a police officer on duty at a particular location shall be guilty of an offence under sub-section (1) if the police officer permits such a motor vehicle to traverse that location.

(2) Where the driver or person in charge of a motor vehicle driven in contravention of sub-section (1) is not the owner of the vehicle or consignor of the goods carried by the vehicle, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or consignor of the goods:

Provided that a consignor shall be held responsible for the offence only if that person is the sole consignor for the goods carried in the motor vehicles.

41. (1) Any authorized person may enter into a passenger vehicle and check whether the vehicle is carrying more passengers than it is authorized to carry.

(2) In the event of vehicle carrying more passengers than it is authorized to carry, the authorized person may direct the driver or the owner of the vehicle to offload passengers beyond the authorized capacity and shall direct the driver or the owner to make other provisions for such passengers.

(3) Any person authorized in this behalf by the National Road Safety Authority or the State Safety Authority shall, if that person has reason to believe that a motor vehicle is being used in contravention of section 40 require the driver to convey the motor vehicle to a weighing device in such manner as may be specified by the National Road Safety Authority and if on such weighing the motor vehicle is found to contravene in any respect the provisions of section 40 regarding weight, that person shall, by order in writing, direct the driver to offload the excess weight at the driver's own risk and cost and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 40 and on receipt of such notice, the driver shall comply with such directions.

(4) In case the vehicle owner or driver, as the case may be, fails to do so, such person shall cause the extra weight to be unloaded at the risk and cost of owner or consignor and such cost shall be recoverable from the owner of motor vehicle or consignor of goods.

(5) Where the person authorized under sub-section (1) makes the said order in writing, that person shall furnish the relevant details of the overloading on the goods carriage permit and also intimate the fact of such details to the authority which issued that permit.

(6) Any driver of a vehicle who refuses to stop and submit the vehicle to weighing after being directed to do so by a person authorized in this behalf, or removes or causes the removal of the load or part of it prior to weighing, shall be punishable in accordance with Schedule II.

42. The State Government or any authority authorized in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification, prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified category of motor vehicles or the use of trailers or other road users either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed in accordance with this Act.

Powers
regarding
vehicles
suspected of
overloading.

Power to
restrict the use
of vehicles in
certain cases.

43. (1) The State Government or any authority authorized in this behalf by the State Government, may cause or permit traffic signs to be placed in any place for the purpose of bringing to public notice any speed limits fixed under Section 27 or any prohibitions or restrictions imposed under this Act or generally and may designate certain roads as main roads by notification or by the placement at suitable places of the appropriate traffic sign for the purposes of the driving regulations made by the National Road Safety Authority.

Power to place traffic signs.

(2) Traffic signs placed under sub-section (1) shall be of such size, color and type and shall have the meanings set forth as per regulations by the National Road Safety Authority :

Provided that the State Government or any authority empowered in this behalf by the State Government, may make or authorize the addition to any sign set forth in the regulations by the National Road Safety Authority:

Provided further that such sign mentioned in the Schedule shall be reviewed every three years and shall reflect International Standards as subscribed to by the Government of India.

(3) A State Government or the State Safety Authority may, by notification, empower any police officer to remove or cause to be removed any sign or advertisement which is so placed in that officer's opinion as to obscure any traffic sign from view or any sign or advertisement which in that officer's opinion is so similar in appearance to a traffic sign as to be misleading.

(4) No person shall wilfully remove, alter, deface, or in any way tamper with, any traffic signs placed under this Section.

(5) If any person in a crash causes such damage to a traffic sign and renders it useless for the purpose for which it is placed under this Section, that person shall report the circumstances of the occurrence to a police officer or at a police station as soon as possible, and in any case within twenty four hours of the occurrence.

(6) Whoever violates a traffic signal shall be subjected to penalties in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

44. When any person is injured or any property of a third party is damaged, as a result of a crash in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall:

Duty of driver in case of a crash and injury to a person.

(a) unless it is not practicable to do so on account of mob fury or any other reason beyond the control of the driver, take all reasonable steps to secure medical attention for the injured person, by conveying that person to the nearest medical practitioner or hospital or nursing home, and it shall be the duty of every registered medical practitioner or the doctor on duty in the hospital or nursing home to immediately attend to the injured person and render medical aid or treatment without waiting for any procedural formalities, or financial arrangements unless the injured person or the guardian of the injured person, in case the person is a minor, desires otherwise:

Provided that it shall be an offence by the owners, management, registered medical practitioner or the doctor on duty if the registered medical practitioner or the doctor on duty in the hospital or nursing home do not immediately attend to the injured person.

(b) Give on the demand of an authorized police officer in uniform any information required by that person, or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, for not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence;

(c) Give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the crash, namely:—

(i) insurance policy number and period of its validity;

- (ii) date, time and place of the crash;
- (iii) particulars of the persons injured or killed in the crash; and
- (iv) name of the driver and the particulars of the driving license of the driver.

Explanation.— for the purposes of this Section, the expression "driver" includes the owner of the vehicle.

Duty of the driver to take certain precautions at unguarded railway level crossings,

45. (1) Every driver of a motor vehicle at the approach of any unguarded railway level crossing shall cause the vehicle to stop and the driver of the vehicle shall cause the conductor or cleaner or attendant or any other person in the vehicle to walk up to the level crossing and ensure that no train or trolley is approaching from either side and then drive the motor vehicle across such level crossing, and where no conductor or cleaner or attendant or any other person is available in the vehicle, the driver of the vehicle shall get down from the vehicle himself to ensure that no train or trolley is approaching from either side before the railway track is crossed.

(2) Any person who drives a motor vehicle through a railroad crossing, and fails to yield to barriers at the crossing, or disobeys traffic signals at the crossing or commits any other violation which could put the driver and passengers in danger at the railway crossing, shall be punishable in accordance with Schedule II.

Using vehicle in unsafe condition.

46. (1) Any person who drives or causes or allows to be driven in any place a motor vehicle while the vehicle has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to a motor vehicle in a manner which causes a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, shall be punishable in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

(2) Any person who drives or causes or allows to be driven, in any place a motor vehicle, which violates the standards specified in relation to road safety, including headlights, taillight, indicators, break lights, tyre tread, control of noise and air pollution, or with reduced vehicle conspicuity for other road users, shall be punishable in accordance with Schedule II, and in each case, shall be awarded penalty points in accordance with Schedule I.

(3) Any person who drives or causes or allows to be driven, in any place a motor vehicle which violates the provisions of this Act or the rules and regulations made under the Act relating to the carriage of goods which are of dangerous or hazardous nature, shall be punishable in accordance with Schedule II, and in each case, shall be awarded penalty points in accordance with Schedule I.

Failure to comply with standards for road design, construction and maintenance

47. (1) Any person or principal authority or contractor responsible for the design, construction and maintenance of the safety standards of the road shall follow design, construction and maintenance standards, as determined by the National Road Safety Authority from time to time and shall ensure, that no death, injury or damage is caused to road users as a result of failure to adhere to such safety standards.

(2) Any enforcing authority may bring an action for failure to maintain a road against the designated authority under sub-section (1), if the persons responsible for the design, construction and maintenance of the road have not exercised due care to secure the safety circumstances as was reasonably required in the part of the road to which the action relates to.

(3) The designated authority under sub-section (1) shall be punishable in accordance with Schedule II if failure on part of such designated authority to comply with standards for road design, construction and maintenance results in a death or disability.

(4) For the purposes of the action under this Section the court shall in particular have regard to the following matters:

(a) the character of the road, and the traffic which was reasonably expected to use it;

(b) the standard of maintenance appropriate for a road of that character and use by such traffic;

(c) the state of repair in which a reasonable person would have expected to find in the road;

(d) whether the persons responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to users of the road;

(e) where the persons responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose; and

(f) whether adequate warning notices of its condition had been displayed.

48. (1) Whoever uses any handheld communication device while driving a motor vehicle shall be punishable in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule.

Offences relating to certain communication devices.

(2) For the purpose of this Section, "communication devise" means a portable communication device, other than a two-way radio where authorized, with which a person is capable of making or receiving a call or performing an interactive communication function with any other person.

Explanation.—For the purpose of this Section, "uses" includes any activity that could divert a person's attention from the primary task of driving. Such types of distractions include sending a short message service (SMS) message, watching a video, other phone applications as may be specified by the National Road Safety Authority.

CHAPTER III

GENERAL OFFENCES AND INVESTIGATION PROVISIONS

49. (1) Any Offence committed under this Act, may be punishable with one or more of the following penalties:

General provision regarding penalties.

(a) fines as specified under Schedule II;

(b) community service as may be specified by the National Road Safety Authority;

(c) imprisonment for both cognizable and non-cognizable offences, as specified;

(d) impounding of vehicles for a term, as specified:

(i) All references to impounding of motor vehicles under this Act shall be construed so as to include the immobilization of the motor vehicle on the premises of the owner of the motor vehicle by means of an immobilisation device;

(ii) An immobilisation means any device or appliance designed or so adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion and is of a type approved by the National Road Safety Authority for use for that purpose.

(e) awarding of penalty points, as specified in Schedules I;

(f) suspension of licenses, registrations or permits, as specified;

(g) cancellation of licenses, registrations or permits, as specified;

(h) compulsory refresher training in a manner as specified by the National Road Safety Authority for each offence.

(2) Unless otherwise specified in this Act, an offence under a provision would be considered a repeat offence if its commission takes place either within a period of one year, or as otherwise specified by the National Road Safety Authority, from the previous commission of an offence under the same provision:

Provided that whoever contravenes any provision of this Act or of any rule, regulation, order or notification made under this Act shall, if no penalty is provided for the offence, be punishable for the offence in accordance with Schedule II.

General provision for driver penalty points scheme.

50. (1) Any person, who, while driving commits an offence under this Act shall be awarded penalty points for the offence, in accordance with Schedule I, in addition to the fine or imprisonment as the case may be.

(2) The consequences of accumulated penalty points, and the period of validity of such penalty points to any holder of a driving license shall be as specified in Schedule I.

(3) The procedure for awarding penalty points and maintaining records associated with such penalty points shall be as specified by the National Road Safety Authority.

(4) The National Road Safety Authority may also develop incentive schemes to encourage safe driving behavior.

Driving uninsured vehicle.

51. (1) Whoever drives a motor-vehicle or causes or allows a motor vehicle to be driven without a valid policy of insurance, shall have committed a cognizable offence and shall be punishable in accordance with Schedule II.

(2) Any person responsible for insuring a vehicle including the vehicle owner or consignor or driver, as the case may be, fails to insure, such person shall have committed a cognizable offence and shall be punishable in accordance with Schedule II.

Punishment for offences relating to a crash.

52. (1) Any person who while driving or attempting to drive, a motor vehicle or a motor cycle causes a crash, shall be punishable in accordance with Schedule II, shall be awarded penalty points in accordance with Schedule I, and shall have to undergo compulsory refresher training.

(2) Whoever while driving a motor vehicle or attempting to drive a motor vehicle causes the death of a person while contravening any provision of this Act shall be punishable for an offence in accordance with Schedule II, and subjected to an immediate cancellation of license.

(3) A person commits an offence if the person does not complete a compulsory impairment test in a manner satisfactory to a police officer, who is trained to give the test as specified by the National Road Safety Authority, when required to do so by a police officer under Section 59.

Driving when mentally or physically unfit to drive.

53. Any person who drives a motor vehicle in any place with the knowledge that they are suffering from any disease or disability calculated to cause such driving of the vehicle to be a source of danger to a motor vehicle in a manner which causes a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, shall be punishable in accordance with Schedule II.

Punishment for abetment of certain offences.

54. Whoever abets the commission of an offence under this Act shall be punished in the same manner as that offence:

Provided that the punishment in case of Section 40 shall only be applicable to the owner or consigner of the vehicle.

Offences by companies.

55. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company shall be deemed to be guilty of the contravention:

Provided that no person shall be held liable for an offence under this sub-section if he or she proves he offence was committed without that person's knowledge or that the person exercised reasonable due diligence to prevent the commission of such offence.

(2) Where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is at any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this Section "director" means a partner in the firm.

56. (1) A police officer in uniform may arrest without warrant any person who in the presence of such officer commits an offence punishable under sections 24, 25, 34, 51 and 52 or subject to the provisions of this section.

Power to arrest without warrant.

(2) Any person arrested in connection with an offence punishable under section 34 shall, within two hours of such arrest, be subjected to a medical examination referred to in sections 59, 60, 61 by a registered medical practitioner failing which such shall be released from custody.

(3) A police officer in uniform may arrest without warrant any person, who has committed an offence under this Act, if such person refuses to provide their name and address on demand of such information.

(4) A police officer arresting the driver of a motor vehicle without warrant shall, if the circumstances so require, take or cause to be taken any steps such officer may consider proper for the temporary disposal of the vehicle.

(5) A female offender may be arrested without warrant only by a female police officer in uniform.

57. (1) If any police officer or other person authorized in this behalf by the State Government has reason to believe that any license, permit, certificate of registration, certificate of insurance or other document produced by the driver or person in charge of a motor vehicle is a false document within the meaning of, section 464 of the Indian Penal Code 1860, such officer or authorized person may seize the mark of document and call upon the driver or owner of the vehicle to account for their possession of or the presence in the vehicle of such document.

Power to impound document.

45 of 1860

(2) If any police officer or other person authorized in this behalf by the State Safety Authority has reason to believe that the driver or owner of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, such officer or authorized person may seize any license held by such driver or certificate of registration of the vehicle and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it, return the license or certificate of registration to the driver or owner, as the case may be, in exchange for the temporary acknowledgement given under sub-section (3).

(3) A police officer or other person seizing a license or the certificate of registration under sub-section (2) shall give to the person surrendering the license or the certificate of registration a temporary acknowledgement for the same, and such acknowledgement shall authorize the holder to drive until the license has been returned or until such date as may be specified by the officer or authorized person in the acknowledgement, whichever is earlier:

Provided that if any Magistrate, police officer or other person authorized by the State Authority in this behalf is, on an application so made, satisfied that the license cannot be, or has not been, returned to its holder before the date specified in the acknowledgement for any reason for which the holder is not responsible, the Magistrate, police officer or authorized person, as the case may be, may extend the period of authorization to drive to such date as may be specified in the acknowledgement.

Disobedience of orders, obstruction or causing death or injury of a person enforcing the Act.

58. (1) Whoever willfully disobeys any order lawfully issued by any person or authority empowered under this Act to issue such order, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable in accordance with Schedule II and be awarded penalty points in accordance with Schedule I.

(2) Any person who, being required by or under this Act to supply any information, willfully withholds such information or gives information which such person knows to be false or does not believe to be true, shall, if no other penalty is provided for the offence, be punishable in accordance with Schedule II, and be awarded penalty points in accordance with Schedule I.

(3) Whoever causes the death of or injures any person in the discharge of any functions which such person is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable in accordance with Schedule II.

Impairment Tests.

59. (1) A police officer in uniform or a person authorized by the traffic authority in this behalf, may require any person, driving or attempting to drive a motor vehicle in any place, or whom the police officer has reasonable cause to suspect has recently committed an offence under this Act, or who is driving or attempting to drive a vehicle involved in a crash or whom the officer has reasonable cause to suspect was driving a motor vehicle involved in a crash, to undergo a compulsory impairment test as specified by the National Road Safety Authority, given by a police officer trained to give the test if the police officer has reasonable cause to suspect that the person has consumed a drug or drugs.

(2) A police officer may require a person specified under sub-section (1) to—

(a) remain in the place where stopped, for a period of time that is reasonable in the circumstances, to undergo the compulsory impairment test; or

(b) accompany a police officer to another place to undergo the Compulsory impairment test if it would enhance road safety, personal safety, the person's privacy, or the giving or taking of the test.

(3) A person who has undergone a compulsory impairment test must remain at the place where the person underwent the test until after the result of the test is ascertained.

(4) A police officer may exercise the powers in sub-sections (1) and (2) in addition to any breath tests under/section 60 and regardless of the outcome of any such tests.

(5) Any person will have a valid defence, if the court is satisfied that the person's failure or refusal to undergo a compulsory impairment test is because of—

(a) a pre-existing medical condition or pre-existing disability that precludes undergoing the test; or

(b) an injury, sustained in a motor vehicle crash giving rise to an obligation to undergo the test that precludes undergoing the test.

Breath tests.

60. (1) A police officer in uniform or a person authorized by the traffic authority in this behalf, may require any person driving or attempting to drive a motor vehicle in any place, or whom the police officer has reasonable cause to suspect has recently committed an offence under this Act, or who is driving or attempting to drive a vehicle involved in a crash or whom the officer has reasonable cause to suspect was driving a motor vehicle involved in crash, to provide one or more specimens of their breath for breath tests at or near that place, if such police officer or authorized person has reasonable cause to suspect such person of having committed an offence under section 34.

(2) A person who has undergone a breath test must remain at the place where the person underwent the test until after the result of the test is ascertained.

(3) A requirement for breath tests under sub-section (1) shall be made (unless it is already been made) as soon as may be reasonably practicable after the commission of such offence in accordance with the procedure specified by the National Road Safety Authority.

(4) If a motor vehicle is involved in a crash in any place and a police officer in uniform has reasonable cause to suspect that the person who was driving the motor vehicle at the time of the crash had alcohol in their blood or that such person was driving under the influence of a drug referred to in section 34, officer may require the person so driving to provide a specimen of their breath for a breath test:

(a) if such person is at a hospital as an indoor patient, at the hospital, subject to sub-section (2);

(b) in the case of any other person, either at or near the place where the requirement is made; or

(c) if the police officer thinks fit, at a police station specified by the police officer.

(5) A person shall not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of that person's case:

(a) is not first notified of the proposal to make the requirement; or

(b) objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(6) If it appears to a police officer in uniform, in consequence of a breath test carried out by that officer on any person under sub-section (1) or sub-section (3), that the device by means of which the test was carried out indicates the presence of alcohol in the person's blood, the officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

(7) If a person is required by a police officer under sub-section (1) or sub-section (3) to provide a specimen of breath for a breath test, and refuses or fails to do so, and the police officer has reasonable cause to suspect that person of having alcohol in their blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

(8) A person arrested under this Section shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(9) The results of a breath test made in pursuance of the provisions of this Section shall be admissible in evidence.

(10) For the purposes of this Section, "breath test" means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the National Road Safety Authority, by notification, an indication whether as to the presence of alcohol in a person's blood or breath is likely to exceed the specified limit.

61. (1) A person who has been arrested under section 34 may, while at a police station, be required by a police officer to provide to such registered medical practitioner as may be produced by such police officer, a specimen of their blood or urine for a clinical test if:

Clinical test.

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood or urine of such person; or

(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so; or

(c) the police officer has reasonable cause to suspect that the person has consumed a drug or drugs, and such person, when required to complete a compulsory impairment test, under section 59 and subject to the provisions under section 59 (5), by the police officer who is trained to give such test does not complete such test in a manner satisfactory to such police officer.

(2) A person who has been required by a police officer under sub-section (1) to permit the taking of a blood specimen must, without delay after being requested to do so by a registered medical practitioner, permit that practitioner to take a blood specimen from that person.

(3) Where the person required to provide such specimen is a female, and the registered medical practitioner produced by such police officer is a male medical practitioner, the specimen shall be taken only in the presence of a female, whether a medical practitioner or not.

(4) A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of their blood or urine for a clinical test:

(a) if it appears to the police officer that the device by means of which a breath test is carried out in relation to the breath of such person indicates the presence of alcohol in the blood or urine of such person; or

(b) if the person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, has refused, omitted or failed to do so and a police officer has reasonable cause to suspect that person of having alcohol in their blood or urine; or

(c) if the police officer has reasonable cause to suspect that the person has consumed drug or drugs, and the person does not complete a compulsory impairment test in a manner satisfactory to a police officer, who is trained to give the test, when required to do so by a police officer under section 59, and subject to the provisions under section 59 (5).

(5) A person shall not be required to provide a specimen of blood or urine for a clinical test under sub-section (2) if the registered medical practitioner in immediate charge of such person's case:

(a) is not first notified of the proposal to make the requirement; or

(b) objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(6) The results of a clinical test made in pursuance of this Section shall be admissible in evidence.

(7) For the purposes of this Section, "clinical test" means the analysis of a specimen of blood or urine made at a laboratory established, maintained or recognised by the Central Government or a State Government.

Presumption
of unfitness
to drive.

62. In any proceeding for an offence punishable under section 98 if it is proved that the accused when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of their breath for a breath test or a specimen of their blood or urine for a clinical test, such refusal, omission or failure may, unless reasonable cause for the same is shown, be presumed to be a circumstance supporting any evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to that person's condition at that time.

Penalty for
offence
committed by
an enforcing
authority.

63. Any authority that is empowered to enforce the provisions of this Act shall, if such authority commits an offence under this Act, incur twice the penalty authorized for that offence.

Compounding
of certain
offences.

64. (1) Any Offence Committed after the commencement this Act, which is punishable with fine only, may, before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the Central Government may, by notification, provide in this behalf.

(2) sub-section (1) is subject to the following:

(a) that the amount is not less than the minimum amount of fine as may have been provided under this Act;

(b) that offences involving imprisonment shall not be compounded;

(c) that any third or subsequent offence shall not be compoundable;

(d) that penalty points specified for the offence will apply and cannot be waived.

65. (1) The Court taking cognizance of any offence (other than an offence which the Central Government may by rules prescribe in this behalf) under this Act:

Summary disposal of cases.

(a) may, if the offence is an offence punishable with imprisonment under this Act; and

(b) shall, in any other case, state upon the summons to be served on the accused person that he:

(i) may appear by pleader or in person; or

(ii) may, by a specified date prior to the hearing of the charge, plead guilty to the charge and remit to the Court, by money order, such sum (not exceeding the maximum fine that may be imposed for the offence) as the Court may specify, and the plea of guilt indicated in the money order coupon itself:

Provided that the Court shall, in the case of any of the offences referred to in sub-section (2), state upon the summons that the accused person, if such person pleads guilty, shall so plead in the manner specified in clause (b) and shall forward the driving license to the Court with such letter containing such plea.

(2) Where the offence dealt with in accordance with sub-section (1) is an offence prescribed by the Central Government by rules for the purposes of this sub-section, the Court shall, if the accused person pleads guilty to the charge and forwards that person's driving license to the Court with the letter containing such plea, make an endorsement of such conviction on such driving license.

66. The National Road Safety Authority shall have the power to amend Schedules in order to amend the offences punishable under this Act.

Power of National Road Safety Authority to amend Schedules.

CHAPTER IV

NATIONAL ROAD SAFETY AUTHORITY

67. (1) The Central Government shall, within six months of commencement of this Act, establish by notification a National Road Safety Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

Constitution of a National Road Safety Authority.

(2) The National Authority shall be a body corporate with the name aforesaid having perpetual succession and a common seal with the power, subject to the provisions of this Act to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.

(3) The Authority shall consist of:—

(a) The Union Minister for Road Transport and Highways as the Patron, not being a member;

(b) A chairperson, who shall have the rank of a Secretary to the Government of India;

(c) At least four and not more than eight members excluding the Chairperson, who shall have the rank of Additional Secretary to the Government of India.

(4) A member of the National Road Safety Authority, not being the Chairperson, shall be a person of ability, integrity and standing and with special knowledge of, or professional

experience in either one or more subjects of economics, transport, urban planning, law, traffic management and regulation, medical sciences and trauma care, crash investigation and forensics, air pollution, road safety, insurance, motor vehicles, civil engineering, which, in the opinion of the Central Government, will be useful for the National Road Safety Authority to render its functions and fulfill its objectives under this Act.

(5) All members of the National Road Safety Authority shall be whole-time members.

(6) The members of the National Road Safety Authority shall be appointed in such manner so as to secure the highest standards of professional competence and a range of relevant expertise in order to effectively discharge the duties and functions of the National Road Safety Authority under the Act.

(7) The head office of the National Road Safety Authority shall be in the National Capital Region of Delhi.

(8) The National Road Safety Authority may establish such number of offices at such places in India as may be deemed fit by it to render its functions and to fulfil its objectives.

Appointment
of
Chairperson
and other
members.

68. (1) The Chairperson and the members of the National Road Safety Authority shall be appointed by the Central Government from a panel of persons recommended by a selection committee established under this Act.

(2) The selection committee shall consist of:

(a) the Cabinet Secretary as the Chairperson;

(b) the Secretary in the Ministry of Road Transport and Highways as a member;

(c) two Secretaries to the Government of India;

(d) three experts of repute with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, traffic management and regulation, medical sciences and trauma care, crash investigation and forensics, air pollution, road safety, insurance, motor vehicles, automotive engineering, civil engineering as members.

(3) The term of the selection committee and the manner of selection of the panel of persons shall be such as may be prescribed by the Central Government.

(4) The Central Government shall make a reference to the selection committee for filling up a vacancy in the National Road Safety Authority —

(a) Within one month from the date of occurrence of a vacancy by reason of death, resignation or removal of the Chairperson or a member of the National Road Safety Authority; or

(b) three months before the superannuation or completion of the term of office of the Chairperson or a member of the National Road Safety Authority.

(5) For every vacancy referred to it, the selection committee shall make such recommendations within two months from the date on which reference is made to it.

(6) Any person who is a member of the selection committee shall not be entitled to be recommended under sub-section 5, whether during his/her term with the selection committee or for two years thereafter.

(7) Before making any recommendations under sub-section 5, the selection committee shall satisfy itself that the persons so recommended are capable of functioning independently as a member of the National Road Safety Authority, where such independence means the ability to maintain and exercise independent judgment in the discharge of duties.

(8) The Central Government shall appoint the Chairperson, and the members of the National Road Safety Authority, within one month of the recommendation of the selection committee being submitted under sub-section 5.

69. (1) Before appointing any person as the Chairperson or member, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially such person's function as a member.

Conditions of service of Chairperson and members.

(2) The salary, term of office, and other terms and conditions of service of the Chairperson and the members, including leave, medical benefits and any other aspect of employment shall be such as may be prescribed by the Central Government.

(3) The terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage after appointment.

70. (1) The Chairperson or any Member may, by notice in writing under his hand addressed to the Prime Minister of India, resign his office.

Resignation and Removal of Chairperson and members.

(2) The Central Government may, by order, remove from office the Chairperson or any other Member of the National Road Safety Authority if such person has,—

(a) been adjudged as an insolvent;

(b) been convicted of an offence which, in the opinion of Central Government, involves moral turpitude;

(c) become physically or mentally incapable of discharging the person's duties;

(d) acquired such financial or other interests as is likely to affect prejudicially the person's functions; or

(e) so abused the person's position as to render the person's continuation in office prejudicial to the public interest.

(3) No Member shall be removed under clauses (d) or (e) of sub-section (1) unless such person has been given a reasonable opportunity of being heard in the matter.

71. No member of the National Road Safety Authority may, for a period of two years from the date on which they cease to hold office, directly or indirectly, for their own account or as agent, administrator, officer, director, retainer, member of the executive body or shareholder or equity owner of any other person, conduct any activity within the jurisdiction of the National Road Safety Authority under this Act:

Restrictions on employment.

Provided that this Section shall not apply when a member of the National Road Safety Authority is appointed as a member of the State Safety Authority.

72. (1) The National Road Safety Authority shall have the power to determine the number, nature and categories of officers and employees required by it to discharge its functions.

Officers and employees of the National Road Safety Authority.

(2) The salaries and allowances payable to and other conditions of service of the, officers, and employees shall be such as may be specified by regulations by the National Road Safety Authority.

73. The Chairperson and a Member of the National Road Safety Authority shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty five years, whichever is earlier and shall be eligible for reappointment for another term of three years.

Term of office of Chairperson and Members.

74. (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Central Government may, by notification, authorize one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

Member to act as Chairperson or to Discharge his Functions in Certain Circumstances.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, one of the Members as the Central Government may, by notification, authorize in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

Vacancies,
etc., not to
Invalidate the
Proceedings of
the Authority.

Objectives and
Duties of the
National Road
Safety
Authority.

75. No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

76. (1) The National Road Safety Authority shall have the overall objective of eliminating practices that are adverse to transportation safety, road safety, and innovation and adoption of new technology.

(2) The objective of the National Road Safety Authority shall be reviewed and ratified every five years by the Parliament.

(3) In pursuit of the objective under sub-section (1), the National Road Safety Authority may regulate and monitor on various matters, including:

(a) the formulation of standards for road safety, road infrastructure and control of traffic;

(b) the facilitation of safe, and sustainable utilization of road transport ecosystem;

(c) the performance targets set by it annually;

(d) the safety of vulnerable road users.

(4) The National Road Safety Authority shall function as an economic regulator for the purposes of developing a framework to guide the determination of costs of safety equipment to be installed in motor vehicles. To develop such a framework the National Road Safety Authority shall be guided by the following —

(a) the recognition that the promotion of safety of road users is of paramount importance;

(b) the general principles identified for the administration of this Act under section 3;

(c) the commercial principles governing the manufacture and installation of safety equipment including that the costs be commensurate with the services being provided;

(d) the requirement to encourage competition, innovation, efficiency, and economical use of resources;

(e) the need that prescribed safety equipment should be correlated with the anticipated safety outcomes and should be technology neutral; and

(f) the requirement to safeguard consumer interest and ensure equity.

Regulations
and other
functions of
the National
Road Safety
Authority.

77. (1) The National Road Safety Authority may, by regulations, *inter alia* specify the following: —

(a) the standards for the design, construction, operation and maintenance of motor vehicles, parts of motor vehicles, trailers, semi-trailers, mobile machinery, including—

(i) safety standards and minimum requirements for such design, construction and maintenance for promoting safety of the occupants and other road users;

(ii) safety standards and minimum requirements for such design, construction and maintenance for protection of environment; and

(iii) conditions for safe usage of such vehicles with regard to occupants of the motor vehicle, other road users, and persons and property near roads, including for motor vehicles independent of body, trailer, mobile machinery or as a whole;

(b) the standards for the design and construction of passenger transport vehicles for promoting the safety and comfort of the passengers and drivers of such vehicles, including for the bus body.

Explanation.—For the purpose of this sub-section bus body means the portion of a passenger transport vehicle that encloses such vehicle's occupant space, exclusive of the bumpers, the chassis frame, and any structure forward of the last point of the windshield mounting.

(c) the standards for the design and construction of the truck body of goods transport vehicles for promoting the safety and comfort of the drivers as well as occupants of such vehicles and the safe carriage of the goods by such vehicles.

Explanation.—For the purpose of this section the truck body means the portion of the goods transport vehicle that encloses such vehicle's occupant space and space for the carriage of goods, exclusive of the bumpers, the chassis frame, and any structure forward of the forward most point of the windshield mounting.

(d) the standards and procedures for the tests of competence for issuance of licences;

(e) the conduct of safety and performance audits to monitor compliance with the standards anywhere in India as may be specified by the National Road Safety Authority;

(f) the creation, maintenance and sharing of a standard, national, uniform database for collecting and managing data including data relating to licenses, registrations, insurance, permits, road crashes, offences and penalties;

(g) the procedure and the enforcement of quality control in relation to any aspect of transport and road safety and fuel quality as specified under this Act;

(h) the methods of data collection, analysis and exchange of information among enforcement authorities engaged in road safety;

(i) the evaluation of enforcement and administration of this Act;

(j) the accreditation of assessors for safety audits, inspections and ratings;

(k) guidelines relating to safety features for non-motorized transport and for safe operating conditions for such transport;

(l) catering for the special requirements of vulnerable road users such as children, senior citizens, differently-abled persons, non-motorized transport and pedestrians relating to road safety and traffic management;

(m) catering for the safety and security of people travelling by road transport, especially women, children and senior citizens;

(n) guidelines for and enabling electronic payment of fines and any other payments;

(o) guidelines for the design, construction, operation, and maintenance of roads to ensure safety of road users;

(p) guidelines for the management of traffic on roads, including the schemes for segregation of various classes of road users and their right of way;

(q) the electronic collection and dissemination of information related to restricted roads, no entries, one ways, restricted entry and time-zones for various classes of vehicles;

(r) guidelines for crash investigation procedure and training of enforcement agencies;

- (s) guidelines for creation of child safety zones;
- (t) the standards for technology deployed in pursuance of this Act; and
- (u) on any other matters which are necessary to fulfil its functions under this Act.

(2) In addition, the National Road Safety Authority shall—

(a) provide technical advice and assistance to the Central Government, and advise the Central Government and the State Governments on administration of the provisions relating to safety as contained in this Act;

(b) advise the State Government, urban local bodies, municipalities, panchayati raj institutions on matters relating to or arising out of traffic management on roads and the use of motor vehicles for the purposes of ensuring road safety;

(c) make regulations specifying guidelines for establishing and operating trauma facilities and para-medical facilities for dealing with traffic related injuries on roads and highways;

(d) make regulations specifying guidelines for building capacity and skills in traffic police, hospitals, highway authorities, educational and research organizations and other organizations dealing with road safety and traffic management;

(e) promote relevant practices in road safety and traffic management, undertake road safety and traffic education programmes, and conduct campaigns to create awareness amongst all Sections of road users;

(f) involve relevant interest groups and non-government organizations working in the area of road safety and traffic management, and assist them in promotion of efficient traffic management and road safety practices;

(g) establish a network of organizations with the aim to facilitate a technical co-operation framework by the co-ordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the purview of the National Road Safety Authority's responsibility;

(h) co-ordinate with other agencies such as education boards and institutions, health services and non- government organizations in matters relating to road safety and traffic management;

(i) contribute to the development of international technical standards for motor vehicles and roads;

(j) promote co-ordination of work on motor vehicles and road standards undertaken by international governmental and non-government organizations;

(k) promote consistency between international technical standards and domestic standards while ensuring that the level of safety adopted in the country is not compromised; and

(l) the process or methodology for the crash testing of vehicles.

(3) For the purpose of performing its regulatory and other functions under this Act, the National Road Safety Authority shall conduct research, by way of collecting data, and performing such analysis as may be relevant and necessary, and this may include—

(a) conducting or causing to be conducted research in different spheres of road safety and traffic management and publishing its findings;

(b) establishing procedures and centres for multi-disciplinary crash investigation;

(c) establishing the procedure and methodology for data collection, transmission and analysis at appropriate levels, and defining the role of different agencies involved in the process;

(d) collecting and storing data from any central or state agency or body or other institution with respect to road safety and traffic information;

(e) identifying areas or traffic congestion and crash prone zones on National and State highways, rural and city roads and plans to mitigate the identified problems in a time-bound manner; and

(f) any other measures necessary for the purpose of giving effect to the purposes of this Act.

(4) The National Road Safety Authority shall make it public without undue delay—

(a) the opinions of the Technical Working Groups, including all representations made to it by external experts, and at public hearings;

(b) the annual declarations of interest made by the Chairperson, members of the National Road Safety Authority and members of the Technical Working Groups, including declarations of interest, if any, made in relation to items on the agenda of meetings;

(c) the results of its technical studies; and

(d) the annual report of its activities.

78. (1) The Chairperson and the members of the National Road Safety Authority shall, in addition to attending office regularly meet at least once a month, and at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum at such meetings and procedure for such meetings, as may be prescribed by the Central Government.

Proceedings
of the
National
Road Safety
Authority.

(2) The Patron shall be free to attend and participate in any meetings or consultation or events of the National Road Safety Authority, Technical Working Groups or all or any other bodies or groups or advisory teams established by the National Road Safety Authority for the purposes of this Act.

(3) The Chairperson shall ordinarily preside over meetings of the National Road Safety Authority unless the Patron is attending the said meeting in which case the Patron shall preside over such meeting.

(4) If the Chairperson is unable to attend a meeting of the National Road Safety Authority, the Chairperson can designate any other member to preside over the meeting.

(5) The Chairperson and members must, at all times, act in good faith, and use diligence in the discharge of their duties.

(6) The Chairperson or any member who has any direct or indirect interest in any matter coming up for consideration at a meeting of the National Road Safety Authority must, as soon as it comes to the Chairperson's or such member's knowledge, disclose the nature of interest to the National Road Safety Authority.

(7) A disclosure made by the Chairperson or a member will be recorded in the proceedings of the meeting, and the Chairperson or such member must recuse from any deliberation or decision of the National Road Safety Authority with respect to that matter or any matter connected therewith.

(8) Provided that if the Chairperson has to recuse himself or herself from a proceeding of the National Road Safety Authority, the Patron shall designate a member of the Authority to discharge the functions of the Chairperson for that matter.

(9) All orders and decisions of the National Road Safety Authority shall be authenticated by the Chairperson.

Process for
making
regulations

79. (1) If the National Road Safety Authority proposes to make any regulations, it shall publish a draft of the proposed regulations for inviting public expension.

(2) Every draft of a proposed regulation which is published under this Section must be accompanied by a statement setting out:

(a) the objectives of the proposed regulation;

(b) how the draft regulations fulfil the particular provision of this Act under which the regulations are made;

(c) a regulatory impact analysis of the proposed regulations and a cost-benefit analysis where feasible;

(d) the process by which any person may make a representation in relation to the proposed regulations;

(e) the implications of any regulations applied with retrospective effect; and

(f) the implementation schedule for any regulations, which shall be determined after due consultation with all stakeholders including consumers and industry.

(3) Before finalizing the draft of any regulation, the National Road Safety Authority must consider any representations made to it in accordance with clause (d) of sub-section (2):

Provided that the decision of the National Road Safety Authority shall be final with regard to whether or not it had considered any representations made to it.

(4) To finalize the regulations the National Road Safety Authority must approve that the regulations are consistent with the Act and must publish—

(a) all the representations received under sub-section (2)(d); and

(b) unless specified otherwise, at least a general account of the response to the representations.

(5) If the notified regulations substantially differ from the proposed regulations published by the National Road Safety Authority under sub-section (1), in addition, to complying with sub-section (4), it must publish the details and reasons for such change.

(6) When carrying out a cost-benefit analysis for the purposes of this Section, the National Road Safety Authority must consider the probable costs that will be borne by:

(a) the persons required to comply with the regulations;

(b) road users, both directly and indirectly;

(c) the National Road Safety Authority in enforcing the regulations; and

(d) any other persons affected by the regulations.

(7) The National Road Safety Authority must consider the probable benefits that will accrue to road users and other persons as a result of the regulations.

(8) The National Road Safety Authority must use the best available data and, where not available, reasonable estimates to carry out the analysis.

Emergency
regulation
making.

80. (1) The National Road Safety Authority may dispense with the procedure under section (16), if the time taken to comply with it has the potential to cause considerable harm or losses for the persons likely to be affected by such regulations.

(2) If the National Road Safety Authority makes regulations under this Section, it must:

- (i) publish the reasons for invoking this Section; and
- (ii) submit a report to the Central Government within one week of invoking this Section.

(3) Unless the Central Government communicates its approval in writing within thirty days to the National Road Safety Authority, the regulations made under this Section will cease to have effect after a period of one hundred and eighty days from the date on which the regulations are notified by the National Road Safety Authority:

Provided that, where the approval of the Central Government is not received in writing, the regulations made under this Section will continue to have effect beyond the period of one hundred and eighty days, if the National Road Safety Authority completes the procedure under section 16 of this Act within the hundred and eighty day period specified in this Section.

81. The Chairperson shall be the legal representative of the National Road Safety Authority and shall be responsible for:

Functions of
the
Chairperson.

- (a) the day-to-day administration of the National Road Safety Authority;
- (b) drawing up proposals for the National Road Safety Authority's work programmes, including the prioritisation of work;
- (c) implementing the work programmes and the decisions adopted by the National Road Safety Authority;
- (d) ensuring the provision of appropriate technical and administrative support for the Technical Working Groups;
- (e) that the National Road Safety Authority carries out its tasks in accordance with the requirements of its stakeholders, in particular with regard to the adequacy of the services it provides and the time taken to provide such services;
- (f) the preparation of the statement of revenue and expenditure and the execution of the budget of the National Road Safety Authority;
- (g) identifying potential risks for the transport ecosystem in India, particularly with respect to road and transport safety;
- (h) pooling of knowledge;
- (i) ensuring close cooperation between the National Road Safety Authority and the enforcement agencies and organizations operating in the field of transport, roads and motor vehicles;
- (j) engaging with the Central Government, and for ensuring a regular dialogue with the Technical Working Groups; and
- (k) reporting to the Patron on any matter relating to the National Road Safety Authority as may be requested by the Patron.

(2) Every year, the Chairperson shall submit for adoption, by way of an annual review meeting, to all the members of the National Road Safety Authority:

- (a) programmes of work;
- (b) the annual accounts for the previous year;
- (c) the budget for the coming year;
- (d) action taken report or response to instructions of the members of the National Road Safety Authority; and

(e) a general report covering all the activities of the National Road Safety Authority in the previous year.

(3) The Chairperson shall, following adoption under sub-section (2), forward the general report and the programs to the Central Government and the State Governments and shall have them published.

(4) The Chairperson shall approve all financial expenditure of the National Road Safety Authority and report its activities to the Central Government.

(5) The Chairperson shall have administrative control over the officers and other employees of the National Road Safety Authority.

Technical
Working
Groups.

82. (1) The National Road Safety Authority shall establish Technical Working Groups, which shall consist of independent technical experts, where such independence means the ability to maintain and exercise independent judgment in the discharge of duties.

(2) Each Technical Working Group constituted under this Section shall be headed by a member of the National Road Safety Authority designated by the Chairperson in consultation with the Central Government, considering such member's special knowledge and field of professional experience and any declarations of interest made by members from time to time.

(3) The Technical Working Group shall invite the relevant industry and consumer representatives to its deliberations.

(4) Without prejudice to the generality of sub-section (1), the National Road Safety Authority may establish such number of Technical Working Groups as it considers necessary, including on the following matters:

- (a) Roads standards;
- (b) Traffic management;
- (c) Testing standards for offences including drink-driving, and over-speeding;
- (d) Technology and enforcement;
- (e) Transport infrastructure and safety;
- (f) Crash Investigation and Forensics;
- (g) Data Collection and Analytics.

(5) The National Road Safety Authority may from time to time re-constitute the Technical Working Groups by adding new members or by omitting the existing members or by changing the name of the Group as the case may be.

(6) The administrative, financial and research support for the Technical Working Groups shall be provided by the National Road Safety Authority.

Procedure for
appointing
Technical
Working
Groups.

83. (1) The National Road Safety Authority shall appoint the members of all Technical Working Groups for a period of three years, which shall be renewable for such period as may be specified by the National Road Safety Authority, and the call for applications shall be published in relevant leading international technical publications and on the website of the National Road Safety Authority.

(2) The mode and manner of operation of Technical Working Groups as well as coordination between the various Technical Working Groups shall be specified by the National Road Safety Authority.

(3) These regulations under sub-section (3) shall relate in particular to:

- (a) the number of times that a member can serve consecutively on a Technical Working Group;

- (b) the number of members in each Technical Working Group;
- (c) the procedure to reimburse the expenses of members of the Technical Working Group;
- (d) the manner in which tasks and requests for technical opinions are assigned to the Technical Working Groups;
- (e) the creation and organization of the body of the Technical Working Groups, and the mode and manner of involvement and engagement of external experts being included in the Technical Working Groups;
- (f) the possibility, mode and manner of observers being invited to meetings of the Technical Working Groups;
- (g) the possibility, mode and manner of organising public hearings;
- (h) the conduct of meetings, including provision for meetings, to be held without the physical presence of a member of a Technical Working Group; and
- (i) the quorum of the meeting, meeting notice, agenda of the meeting and such other matters.

84. The National Road Safety Authority shall have the power to delegate all or any powers or functions that have been conferred upon it by this Act to any person or group of persons barring such exceptions as may be provided for in this Act:

Delegation of Powers of the National Road Safety Authority.

Provided that the National Road Safety Authority cannot delegate its power to make regulations under this Act.

85. (1) The Central Government may, after due appropriation made by Parliament in this behalf, make to the National Road Safety Authority, grants and loans of such sums of money as the Central Government considers necessary.

National Road Crash Victim Compensation Fund.

(2) There shall be constituted a Fund to be called the National Road Crash Victim Compensation Fund to which the following shall be credited—

- (a) any grants and loans made to the National Road Safety Authority by the Central Government;
- (b) notwithstanding anything contained in any other law, a proportion of the insurance premiums or a road safety cess on such insurance premiums collected in the country, apportioned under this Act, as prescribed by the Central Government; and
- (c) all sums received by the National Road Safety Authority from such other sources as may be prescribed by the Central Government.

(3) The National Road Crash Victim Compensation fund shall be used for providing immediate interim relief, medical treatment and rehabilitation to road accident victims in the territory of India.

(4) Provided that the following persons may claim from such Victim's Compensation Fund:

- (a) A person who has been grievously hurt in a road accident till such time as the person may be stabilized;
- (b) One or more legal representatives of a person who died in a road accident that was not caused by the deceased on whose behalf the claim is being made and/or for those road accidents where no person can be held liable;
- (c) A person grievously hurt in a road accident where no fault can be fixed upon either that person or on any other person involved in the accident; and

(d) Any other person as the National Road Safety Authority may specify by regulations.

(5) Provided that the maximum compensation made available by the fund in any case shall be as may be specified by the National Road Safety Authority.

(6) In all cases specified in sub-section (3), when the claim of such person becomes payable, then the Fund is entitled to recover from the insurer the amount equivalent to such compensation received by such person.

Maintenance
of Accounts.

86. (1) The National Road Safety Authority maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India shall audit the accounts of the National Road Safety Authority, and specify the intervals at which such audits may be conducted, and any expenditure incurred in connection with such audit shall be payable by the National Road Safety Authority to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor-General of India may appoint any person in connection with the audit under sub-section (2) and such person shall have the same rights and privileges and authority in connection with the audit as the Comptroller and Auditor General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books of accounts and other documents and papers and to inspect any of the offices of the National Road Safety Authority.

(4) The accounts of the National Road Safety Authority, as certified by the Comptroller and Auditor-General of India or any other person appointed in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid, as soon as it is received, before each House of Parliament.

Budget.

87. The National Road Safety Authority shall prepare, in such form and at such time in each financial year as may be prescribed, by rules made by the Central Government, the budget for the next financial year, showing the estimated expenditure of the National Road Safety Authority and forward the same to the Central Government.

Annual and
Special
Reports.

88. (1) The National Road Safety Authority shall submit an annual report to the Central Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government shall cause the annual and special reports of the Authority to be laid before each house of Parliament, along with a memorandum of action taken or proposed to be taken on the recommendations of the Authority, and the reasons for non-acceptance of the recommendations, if any.

State Road
Safety
Authorities.

89. (1) Every State Government shall establish a State Road Safety Authority within six months from the commencement of this Act in consultation with the National Road Safety Authority.

(2) The composition, manner of appointment and the functions of State Road Safety Authority shall be as prescribed by the National Road Safety Authority through regulations.

CHAPTER V

MISCELLANEOUS

Protection of
action taken
in good faith.

90. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Authority or any officer of the Central Government or any Member, officer or other employees of the Authority for any thing which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

91. Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

59 to 1988.

92. The provisions of this Act shall be in addition to the provisions of the Motor Vehicles Act, 1988.

Application of certain laws.

93. (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Act.

Power of Central Government to make rules.

(2) Every rule made by the Central Government and every regulation made by the Board, under this Act, shall be laid, as soon as may be after it is made, before each House or Parliament while it is in session, for a total period of thirty days which may be comprised in One session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

94. (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as it may deem necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

SCHEDULE I

SCHEME OF PENALTY POINTS FOR DRIVERS

1. Penalty Point System—

Section	Offence	Penalty points
11,12	Offences relating to protective headgear	2
11, 12,14, 15,16	Offences relating to conspicuity	1
18	Failing to restrict the number of people on motor cycles	2
20	Offences relating to seat belts	2
21	Offences relating to the seating of Children	2
28	Offence of driving at excessive speed	1 for 1st offence and if exceeding the speed limit by more than 5 kmph but less than 9 kmph 2 for 1st offence and if exceeding the speed limit by more than 9 kmph 3 for each subsequent offence
33	Driving which causes threat to public safety	3 for 1st offence 4 for each subsequent offence
34	Driving under the influence of alcohol or drugs	3

Section	Offence	Penalty points
39	Penalty for causing obstruction to free flow of traffic	1
43	Violation of Traffic Signals and Traffic Signs	3
46	Using vehicles in unsafe condition	3
48	Offences relating to certain communication devices	2
49	General provision regarding penalties	1
52	Punishment for offences relating to a crash	2
58	Disobedience of orders, obstruction and refusal of information	3

2. Award of penalty points—

(1) The enforcing authority or any person authorized in this behalf shall award penalty points corresponding to the specific offence to any person who commits an offence as provided under Schedule II. The penalty points shall be endorsed and their record shall be maintained in a manner as may be specified by the national authority.

(2) For the offences involving judicial proceedings and imprisonment, the court shall award penalty points in addition to the fine or imprisonment that may be imposed.

3. Duration of validity of penalty points—

Penalty points awarded for an offence shall remain on record for a period of 3 years from the date of award.

4. Suspension and Cancellation of License—

(1) At any point of time, if the cumulative total of the penalty points accrued by a driver crosses the limit of twelve (12) points, the driving license shall be suspended for the period of one year. On suspension of the driving license, the accrued penalty points shall cease to subsist.

(2) If a driver whose license has been suspended again accumulates twelve (12) points, that person's driving license shall be cancelled for a period of five years.

(3) If a person holding a learner's license accrues four (4) points, then that person's learner's license shall be cancelled. The person whose learner's license has been cancelled shall produce a certificate of driving as specified from recognized school or establishment when that person applies for fresh learner's license.

SCHEDULE II
Scheme for levying penalties including fines, imprisonment and impounding of vehicles

Section	Offence	Type of Vehicle or Offender	Repeat Offence	Penalties to be Imposed						
				Fine (INR)	Community Service	Imprisonment	Vehicle Impounding	Suspension/ Cancellation of licence or Permit	Refresher Training	Remarks
1	2	3	4	5	6	7	8	9	10	11
9 (1)	Offences relating to driving licence—Person holding a licence attempts to hold other licence		I	10,000	—	1 month	—	Cancellation of all existing licences	—	Either penalty or both may be imposed
			II	10,000		1 month		Cancellation of all existing licences		
9 (3)	Offences relating to driving licences—Person holding driving licence holds any other driving licence		I	10,000		1 month		Cancellation of all existing licences		Either penalty or both may be imposed
			II	10,000		1 month		Cancellation of all existing licences		
9 (4)	Offences relating to driving licences—Disqualified for holding or obtaining driving licences		I	10,000		3 months				Either penalty or both may be imposed
			II	10,000		3 months				
9 (5)	Offences relating to driving licences—Not disclosing endorsement made		I	10,000		3 months				
			II	10,000		3 months				
11, 12	Offences relating to protective headgear			5,000					Per person	
11		Non-motorised transport		1,500						
12	Offences relating to conspicuity	Motor cycles		2,500						Fine to be paid by owner
14		Three wheelers		2,500						
15		Ligh motor vehicles		5,000						
16		Transport Vehicles		10,000						

1	2	3	4	5	6	7	8	9	10	11
20	Offences relating to seat belts			5,000						Per person
21	Offences relating to seating of children			5,000						Per child
24	Prohibition of parking or abandoning of motor vehicles at certain places		I II	2,500 5,000						
25	Prohibition of driving in certain places		I II	5,000 10,000			2 weeks	1 month licence suspension		
28 (1)	Offence of driving at excessive speed	Motor Cycles	I	2,500						Speeding by more than 5 kmph but less than 9 kmph
				5,000						Speeding by more than 9 kmph but less than 19 kmph
				10,000			1 month	1 month licence suspension	Yes	Speeding by more than 19 kmph
							3 months	3 months licence suspension	Yes	
		Light motor Vehicles	II	10,000						Speeding by more than 5 kmph but less than 9 kmph
				3,500						Speeding by more than 9 kmph but less than 19 kmph
				7,000						Speeding by more than 19 kmph
				15,000			1 month	1 month licence suspension	Yes	Speeding by more than 19 kmph
			II	25,000 10,000			3 months	3 months licence suspension	Yes	Speeding by more than 5 kmph but less than 9 kmph
							2 months	2 months licence suspension	Yes	Speeding by more than 9 kmph but less than 19 kmph
				15,000						

1	2	3	4	5	6	7	8	9	10	11
		Medium and Heavy Vehicles		25,000			3 months	Cancellation of license for one year; Suspension of permit for 6 months	Yes	Speeding by more than 19kmph
			II	50,000			6 months	Cancellation of license for one year; Suspension of permit for 6 months		
28 (2)	Offence of driving at excessive speed—Providing instructions to drive at excessive speed	Punishment in the same manner as provided for section above but the term for the impounding of the car shall be twice as long.								
31	Failure to yield right of way to emergency vehicles		I II	5,000 10,000					Yes	
		Non-motorised transport	I	500	15 hours					
		Two-wheelers and three-wheelers	II	1,000	30 hours		One week			Impounding to be imposed in addition to fine or imprisonment or both.
33	Driving which causes threat to public safety—Driving against the authorised flow of traffic		I	2,500	Three days		One week		Yes	
		Light motor vehicle	II	5,000	One week		Two weeks			Impounding to be imposed in addition to fine or imprisonment or both.
			I	5,000	One week		Two weeks		Yes	
		Medium and heavy motor vehicles	II	10,000	Two weeks		One month		Yes	Impounding and training to be imposed in addition to fine or imprisonment or both.
			I	10,000	Two weeks		One month		Yes	
			II	20,00	One month		Two months		Yes	
33	Driving which causes threat to public safety—Dangerous passing or overtaking	All	I	2,500	15 hours	Three days				Either penalty or both may be imposed.
			II	5,000	30 hours	One week			Yes	

1	2	3	4	5	6	7	8	9	10	11
33	Driving which causes threat to public safety—Dangerous driving with children on board	All	I II	15,000 30,000		Fifteen days One month		Six months licence suspension	Yes	Either penalty or both may be imposed.
33	Driving which causes threat to public safety—Dangerous lane changing	All	I II	2,500 5,000					Yes	
34 (2)	Prohibition on Driving under the influence of alcohol or drugs	Type I ¹ driver		30,000		Twelve months which may extend to eighteen months		Eighteen months from the date of conviction, or date of sentencing or date of release.		Licence Suspension in addition to fine or imprisonment or both.
		Type II ² driver		30,000	100 hours		Impound for one week	Six months licence suspension from the date of conviction, or date of sentencing or date of release.		
		Type III ³ driver		10,000		Not more than six months		Six months licence suspension from the date of conviction, or date of sentencing or date of release.		Licence suspension in addition to fine or imprisonment or both.
		All drivers	Yes			Not more than two years		Permanent cancellation of driving licence.		
34(4)	Driving under the influence of alcohol or drugs—Drugs	All	I	15,000		Not more than three months		Six months licence suspension		
			II (within three years)	30,000		Six months to one year	Thirty days	Twelve months licence suspension		

1	2	3	4	5	6	7	8	9	10	11
39	Penalty for causing obstruction to free flow of traffic, etc.	Motor Vehicles Pedestrians		1,000 per hour 200						
40	Overloading	Two-wheelers Light motor vehicles Medium motor vehicles Heavy motor vehicles All vehicles	Yes	10,000 25,000 35,000 50,000 50,000				Suspension for one month of permit granted under above sections Cancellation of permit granted under above sections		
40(2)	Overloading			50,000						Fine to be paid by the owner of a vehicle or the consignor
41(2)	Powers regarding vehicles suspected of overloading—Refusal to submit vehicle for weighing after being directed to do so by a person authorised in this behalf.			35,000						
43(6)	Violation of traffic signs	Non-motorised transport All motor vehicles	I II III and beyond	1,000 5,000 10,000 15,000				One month licence suspension	Yes	
43(6)	Violation of traffic sign—Stop signal or stop sign	Non-motorised transport All motor vehicles		500 1,000						
45	Railroad crossing offences					Not more than two weeks	Two weeks			Either or both penalties may be imposed

1	2	3	4	5	6	7	8	9	10	11
46(1)	Using vehicle in unsafe condition	Two and/or Three wheelers		5,000			1 month			If bodily injury or damage to property is caused the fine is to be increased to Rs. 25,000
		Light Motor Vehicles		7,500			1 month			
		Medium and Heavy Motor Vehicles		10,000			2 months			
46(2)	Using vehicle in unsafe condition	Two and/or Three wheelers	I II	5,000 15,000			1 month 2 months			
46(2)	—Violation of standards specified in relation to road safety, control of noise and air pollution	Light Motor Vehicles Medium and Heavy Motor Vehicles	I II I II	7,500 15,000 10,000 15,000			1 month 2 months 2 months 4 months			
46(3)	Using vehicle in unsafe condition —Driving of motor vehicle in violation of provisions and rules relating to the carriage of dangerous and hazardous goods		I II	50,000 1 Lakh		6 months 6 months which may extend to one year				Either penalty or both may be imposed
47	Failure to comply with standard for road design, construction and maintenance			10 Lakh						Fine per person killed or disabled
48	Offences relating to certain communications devices		I II III and beyond I	4,000 6,000 10,000 2,500			One month licence suspension	Yes		

1	2	3	4	5	6	7	8	9	10	11
49	General Provision		II	5,000						
51	Driving uninsured vehicle	Two-wheelers Three-wheelers and Light motor vehicles Medium and Heavy motor vehicles		5,000 10,000 25,000						
52 (1)	Punishment for offences relating to a crash			10,000				Two weeks licence suspension	Yes	
52 (2)	Causing death in certain circumstances			1 Lakh 3 Lakhs		Not less than five years Not less than seven years				Death of a Child
53	Driving when mentally or physically unfit to drive			5,000						
54	Punishment for abetment of certain offences			Punishment in the same manner as that of the underlying offence						Punishment under above sections to apply only to owner and consignor
58 (1)	Disobedience of order			2,500						
58 (2)	Withholding of information or giving false information			5,000		One month				Either or both of the penalties to be imposed
58 (3)	Causing injury or death of a person enforcing the Act			1 Lakh 1 Lakh		Four years Two years				For causing death For causing injury

*Type I driver is a driver driving any of the following vehicles:

- (a) Vehicles with children on board
- (b) Educational institution bus
- (c) Heavy Motor Vehicles
- (d) Vehicles carrying dangerous or hazardous goods
- (e) Chartered service vehicle

- (f) Restricted chartered service vehicle
- (g) Metered service vehicle
- (h) Restricted metered service vehicle
- (i) Scheduled Service vehicle
- (j) Restricted scheduled service vehicle
- (k) Taxi.

The allowable blood alcohol concentration for such drivers is less than 20.0 mg of alcohol per 100 ml of blood

² A driver who is not a Type I driver and is—

(a) Between the age of 18 to 30 years; or

(b) Learner's license holder or recently disqualified drivers.

The allowable blood alcohol concentration for such drivers is less than 20.0 mg of alcohol per 100 ml of blood.

STATEMENT OF OBJECTS AND REASONS

The growing number of road accidents in the country has become an issue of immediate concern. In 2013 itself, 1.4 lakh people were killed and 4.7 lakh injured in road crashes in India. Erstwhile Planning Commission has established that India loses 3 per cent of GDP every year due to road crashes. However, the existing Motor Vehicles Act, 1988 does not address the issue of road safety in its entirety.

In *S. Rajaseekaran v. Union of India*, 2014, the Honorable Supreme Court of India observed that Indian roads have proved to be giant killers demanding immediate attention and remedial action. Thus there is an urgent need to revamp the road safety measures and traffic management system in order to ensure road safety and wellbeing of all road users.

The Road Safety & Protection of Vulnerable Road-users Bill, 2015 *inter-alia* provides for the following namely:

- (i) Establishment of National and State Road Safety Authorities for promoting road safety measures and practices including the monitoring and regulation of safety standards for all classes of road users;
- (ii) Provisions for road safety and traffic management that shall include development of electronic road crash and offences system; and
- (iii) Comprehensive and enhanced penalty system which shall act as a measure of reform for offenders and also ensure deterrence and a sense of discipline among drivers.

The enactment of the proposed Bill will enable creating a safer environment on the Indian roads and protect lakh of innocent road users including vulnerable road users from being killed every year.

The Bill seeks to achieve the above objectives.

HUSAIN DALWAI

FINANCIAL MEMORANDUM

Clause 67 of the Bill provides for the constitution of the National Road Safety Authority. Clause 69 provides for remuneration and facilities to the Chairperson and members of the National Road Safety. Clause 85 provides for the setting up of National Road Crash Victim Compensation Fund.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible at present to quantify the funds that may involve but it is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum. Non-recurring expenditure to the tune of rupees one hundred crore may also involve for creating assets and infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 66 of the Bill gives power to the National Road Safety Authority to amend the Schedules to the Act. Clause 77 gives the power to the National Authority to make regulations for ensuring road safety. Clause 93 confers power upon the Central Government to make rules for carrying out the provisions of the proposed legislation. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

VI

BILL NO. XXXVIII OF 2015

A Bill further to amend the Andhra Pradesh Reorganisation Act, 2014.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Andhra Pradesh Reorganisation (Amendment) Act, 2015. Short title and
commenment.

(2) It shall come into force at once.

6 of 2014

2. In the Andhra Pradesh Reorganisation Act, 2014, after section 100, the following section shall be inserted, namely:—

Insertion of
new section
100 A.

100A. Notwithstanding anything contained contrary in this Act, the following shall be special provisions for the State of Andhra Pradesh, namely:—

Special
provisions for
Andhra
Pradesh State.

(a) Andhra Pradesh-Telangana Council shall be set up by Central Government on the lines of North-Eastern Council comprising of the

Chief Ministers of the two states with the Prime Minister or the Union Home Minister as its Chairperson to address issues of concern;

(b) Special status shall be granted by Central Government for the state of Andhra Pradesh for ten years;

(c) Revenue deficit of Andhra Pradesh shall be borne by Central Government till the State becomes financially viable;

(d) A special package shall be given by Central Government to achieve a turnaround in the financial health of the State of Andhra Pradesh;

(e) Central assistance package shall be provided for developing backward areas of Andhra Pradesh particularly in the four districts of Rayalaseema and three districts of north coastal Andhra Pradesh at par with Bundelkhand and Koraput-Bolangir-Kalahandi package;

(f) Central assistance shall be provided for the development of the capital of Andhra Pradesh;

(g) The allocation on Polavaram Project shall be increased by Central Government for its completion in the stipulated time frame as a national project as declared;

(h) The Apex Council and the River Management Boards for Godavary and Krishna shall be operationalised;

(i) Resolution or division of assets relating to boards, corporations, bank accounts, etc. shall be expedited by the Central Government;

(j) Existing quotas in all government, private, aided or unaided institutions of higher technical and medical education shall be ensured for a period of ten years;

(k) Establishment of institutions of national importance like IIT, IIM and AIIMS in Andhra Pradesh besides a tribal university each in both States shall be expedited by Central Government;

(l) A separate High Court shall be established for the state of Andhra Pradesh;

(m) Development of social, physical and industrial infrastructure and clearly identified projects like new major port at Duggirajapatnam, integrated steel plant at YSR District, crude oil refinery and petrochemical complex, Vizag-Chennai industrial corridor, railway zone with Vizag as Headquarters, metro rail facility for Vizag, Vijayawada-Guntur-Tenali, three international airports at Vizag, Vijayawada and Thirupathi, improving rail and road connectivity to the new capital of Andhra Pradesh shall be developed by the Central Government.

STATEMENT OF OBJECTS AND REASONS

The Andhra Pradesh State Reorganization Act, 2014 provides for taking appropriate fiscal measures including offer of tax incentives by the Government of India to the successor States in order to promote industrialisation and economic growth in successor State of Andhra Pradesh and special development package for the backward regions of the successor State of Andhra Pradesh, in particular for the districts of Rayalaseema and north coastal Andhra Pradesh on the lines of Special Plan in Odisha, Bundelkhand, Madhya Pradesh and Uttar Pradesh.

2. The then Prime Minister announced specific steps to address the concerns of all the regions of the State particularly of Seemandhra including special category status to the successor State of Andhra Pradesh for a period of five years so as to put the finances of the State on a firm footing. Post-bifurcation, the residuary State of Andhra Pradesh has lost significant resource base and therefore remains at a disadvantage *vis-a-vis* neighbouring revenue-surplus States. The fund crunch and resource-wise disadvantage are not the making of Andhra Pradesh. It was assured by the Government that necessary grants would be provided in the current budget which has not been done inspite of assurances to support to the State of Andhra Pradesh on several fronts, including bridging revenue deficit, providing industrial incentives, special development package for backward areas in seven districts (four districts of Rayalaseema and three northern coastal districts of Andhra Pradesh), assistance to State capital development, railway zone for the State and Special Category status.

Hence this Bill.

K. V. P. RAMACHANDRA RAO

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the special status for the State of Andhra Pradesh. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the expenditure at this juncture. However, it is estimated that a sum of rupees fifty thousand crore may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees one lakh crore may also involve for creating assets.

SHUMSHER K. SHERIFF
Secretary-General.